

Title 3 REVENUE AND FINANCE

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Chapter 3.04 FINANCIAL PROVISIONS GENERALLY

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3.04.010 Fiscal year.

A. The city accepts the provisions of section 7-382 of the general statutes and does establish a new fiscal year beginning July 1, 1970, and ending June 30, 1971, both dates inclusive; thereafter each fiscal year will begin on July 1st and end on June 30th, both dates inclusive, of the following year.

B. All references in the charter to dates for actions with respect to the preparation of the annual budget and the levy of taxes for a fiscal year beginning July 1st, including but not limited to action by the board of apportionment and taxation, each board of the city government, each committee of the common council and each officer of the city relating to furnishing estimates, making recommendations to the board of apportionment and taxation, publishing notices, holding meetings, preparing schedules of appropriations, tax rates and the levying of taxes, as now set forth in section 95 of the charter and related laws compilation found on file in the office of the city clerk for the new July 1st through June 30th fiscal year, beginning July 1, 1970, are advanced three months so as to maintain the same relationship to the new fiscal year as they have had to the April 1st through March 31st fiscal year.

(Prior code § 2-5)

3.04.020 Expenditures.

A. No expenditure shall be made from the "contingency account" or other similar reserve account so nominated in the budget of the city except with the prior approval of the common council; and such expenditure shall constitute a transfer to another account.

B. The several departments, commissions, officers and boards of the city shall not involve the city in any obligation to spend money for any purpose in excess of the amount appropriated therefor in the city's annual budget until the matter has been approved by the common council and each order drawn upon the city shall state the department, commission, board or officer and the appropriation against which it is to be charged.

C. Additional appropriations over and above the total budget may be made from time to time by resolution of the common council, upon recommendation of the mayor and certification from the director of finance or comptroller that there is available an unappropriated and unencumbered general fund cash balance to meet such appropriations.

D. Except for appropriations for capital improvements, whether financed from current revenues or from bond issues, all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Appropriations for capital improvements shall automatically lapse when the project for which the funds were appropriated has been completed or no expenditures have been made against the appropriation for a period of three years, or the common council shall abandon the project and transfer the funds by resolution either to the capital improvement

reserve account or to another specific capital improvement appropriation. In no event shall funds appropriated for capital improvements be transferred or used for purposes other than capital improvements.

E. Every payment made in violation of the provisions of this section shall be deemed illegal, null and void. Every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this section or take any part therein, such action shall be cause for his removal.

(Ord. dated 2/21/89)

3.04.030 Making of minor refunds.

There shall be established by the director of finance upon his records and budgets an appropriately designated account from which payment of minor refunds may be made. When in any department or office of city, including the office of the tax collector, which is charged with the collection or assessment of fees it shall appear that any account or penalty has been overpaid or paid in error or erroneously charged or assessed, it shall not be necessary to procure the approval of the city council before reimbursement may be made to the person entitled thereto, provided the account of such overpayment shall not exceed two hundred dollars (\$200.00); except in the case of the office of the tax collector which overpayment shall not exceed two thousand dollars (\$2,000.00) and the procedure outlined in this section is followed. The head of the department in which such overpayment or erroneous charge shall have been made shall certify on an invoice from, prescribed by the director of finance, the amount of the refund, the name and address of the person reimbursed and the reason why such refund should be made. The director of finance, upon satisfaction that such refund should properly be made on the basis of the data contained on such invoice, shall draw his order on the city treasury for the amount thereof.

(Ord. dated 12/21/92 § 63)

Chapter 3.08 CITY CONTRACT AND PURCHASING PROCEDURES

Sections:

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3.08.020 Purchasing agent Head of office.

3.08.030 Proposed draft of annual purchasing policy statement.

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3.08.050 Contracts Duplicates to be made.

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3.08.090 Disqualification of vendors from doing business with the city Procedure.

3.08.100 Certified checks or bid bonds Required when Procedure.

3.08.110 Public hearing on sale of city-owned property Advertisement.

3.08.120 Prevailing union wage rate on all city contracts required.

3.08.130 Insurance.

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3.08.150 Penalty for violations of Sections 3.08.070, 3.08.080 and 3.08.100.

3.08.010 Established Appointment Term Powers and duties.

A. There shall be a board of public purchases, consisting of the director of finance and four members appointed by the mayor. The members appointed by the mayor shall be knowledgeable concerning or experienced in procurement, finance, business or public administration or other disciplines related to the work of the department. In January 1993, the mayor shall appoint four members of the board of public purchases, each of whom shall serve for a term ending March 31, 1993. Thereafter members of such board shall be appointed in the manner and for the terms provided for in Chapter 8, Section 14(a) and Chapter 22, Section 10 of the charter of the city.

B. The board shall elect one of the members appointed by the mayor as president and may elect such other officers as it deems necessary. The members of the board shall serve without compensation.

C. The board of public purchases so appointed shall have all of the powers and perform all of the duties vested in the board of public purchases by the charter and code.

(Ord. dated 12/21/92 § 11)

3.08.020 Purchasing agent Head of office.

The head of the office of public purchases shall be a purchasing agent appointed pursuant to the provisions of the charter of the city.

(Ord. dated 12/21/92 § 10)

3.08.030 Proposed draft of annual purchasing policy statement.

Not later than April 1st of each year, the purchasing agent shall submit to the board of public purchases a proposed draft of the annual purchasing policy statement, required by Chapter 8, Section 14(b) of the city charter. The board of public purchases shall review and approve such statement prior to the start of the next fiscal year.

(Ord. dated 12/21/92 § 13)

3.08.040 Execution of contracts Consultation with city attorney.

The mayor shall execute all contracts made on behalf of the city unless the city council shall by ordinance or resolution otherwise direct and before executing the same he shall consult with the city attorney in relation to the proper legal form and sufficiency thereof.

(Ord. dated 12/21/92 § 14: prior code § 2-273)

3.08.050 Contracts Duplicates to be made.

All contracts made by the city shall be in duplicate, one of which shall be retained by the city and filed in the office of the director of finance and the other of which shall be delivered to the contracting party.

(Ord. dated 12/21/92 § 15: prior code § 2-274)

3.08.060 Sale of department personal property Made through office of public purchases.

Whenever any by-product or other personal property of any department of the city which makes its purchases through the office of public purchases shall be sold the sale shall be made through the office of public purchases.

(Ord. dated 12/21/92 § 12)

3.08.070 Purchasing procedure.

Purpose. The city recognizes the importance of adopting a comprehensive purchasing ordinance that authorizes the use of modern procurement practices, provides for electronic processing and monitoring of purchasing activities, and establishes responsibility for oversight and reporting within city government.

A. Definitions. For the purpose of this section, the following definitions shall apply:

"Approved communication methods" means any communication required or desired to be made in connection with a purchase provided, however, that such communication is by hand, by overnight or guaranteed delivery service, by deposit in a depository of the United States Postal Service properly addressed and postage prepaid, by facsimile transmission delivered to the intended addressee, or by electronic communication including but not limited to e-mail or other electronic means delivered to the intended addressee, or otherwise approved by official policy of the board of public purchases.

"Audit rights" means the city's independent right to audit charges, costs, expenses, payments, setoffs, change orders and other expenditures under any purchase arrangement whether or not such right is specifically included in the bid package or other documents related to the purchase.

"Authorized pricing methods" means one of several permitted methods for obtaining informal competitive price quotations in the purchase of goods, general services, special or professional services where permitted herein provided, however, that such quotation is obtained in hard copy by e-mail, facsimile, computer or other electronic communication to the contracting officer, by current catalog price or price sheet, internet quote, or other method approved by the board of public purchases.

"Award" means the purchasing agent's announcement of the selection of the apparent: (a) responsible low bidder in a competitive bid process; (b) most qualified and responsible bidder in a QBS selection process; (c) responsible bidder(s) in a consolidated purchasing process; or (d) responsible bidder in any other selection process authorized herein; provided, however, that an award or notification of intent to make an award does not create a legal right in the bidder regarding the subject matter of the bid or entitlement to a contract, but is intended to inform the bidder that additional obligations of the bid must be met, such as the posting of surety and evidence of insurance, negotiation of a contract, and securing proper approval of the party authorized to enter into a contract or obligation binding upon the city.

"Best value" means, during a competitive bidding process or request for proposal process, the purchasing agent, after considering the recommendations of the contracting officer, if any, may consider the following factors in determining to make an award to a bidder other than the apparent lowest responsible bidder: (a) the bidder's price; (b) the bidder's business reputation; (c) the quality of the bidder's goods or services; (d) the extent to which the goods or services meet the city's needs; (e) the bidder's current or past relationship with the city; (f) the impact on the city's ability to comply with laws and rules relating to contracting with historically underutilized businesses and non-profit organizations

employing persons with disabilities; (g) the total long-term cost to the city to acquire the bidder's goods or services; and (h) any relevant criteria specifically listed in the bid documents. The city reserves the right to make an award either to the lowest responsible bidder or to the bidder that provides goods or services having the best value to the city.

"Bidder" means any person, sometimes referred to herein as a vendor or proposer, seeking to do business with the city pursuant to this section, including any individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, limited liability partnership, limited liability company, or any other private legal entity, each of which shall be required to disclose in its bid, whether or not the bid documents specifically make such request, the names and addresses of the bidder's officers, directors, members and owners holding five percent or more in ownership of the bidder or its parent at the time of the submission of its bid, which obligation to disclose shall continue for the duration of the bidder's relationship with the city.

"Bidder list" means a mailing or notification list, maintained by the city, of all suppliers, vendors, contractors or service providers who have made a request by an approved communication method to receive notice of the city's intent to make particular purchases, which bidder list does not imply that such those parties on it have been pre-qualified or pre-approved to do business with the city. The city reserves the right to charge a nominal maintenance fee to those parties that desire to be included on the bidder list to cover the city's cost of making and keeping the same.

"Board of public purchases" or "BPP" means the board created by charter responsible to discharge the duties described therein and herein with respect to the city's purchasing process, including, but not limited to, hearing and determining appeals taken from decisions made by the purchasing agent, preparing reports of its activities in overseeing the city's purchasing practices, establishing purchasing policies, rules and regulations in furtherance of this section, publishing annual purchasing statements, and the like. The official policies, working rules and regulations adopted shall, on their respective effective dates, be published, applicable to and used in the implementation and interpretation of this section, and shall not otherwise be contrary to or in derogation of the rights, duties and responsibilities of city officials, executives and administrators set forth in the charter and ordinances, as the same may be amended from time to time.

"Brand name;" "brand name or equal specification" means a bid specification (a) limited to one or more items according to manufacturer name, product code or catalog number (brand name specification), or (b) providing the information stated in (a) above to describe the standard of quality, performance, and other salient characteristics needed to meet city requirements but allowing for the submission of equivalent products.

"Consolidated purchasing" means a centralized purchasing method whereby the purchasing agent determines annually, based upon the anticipated purchases projected by contracting officers and his/her own experience, that the purchase of items or categories of items in bulk or pursuant to price agreements on a city-wide basis from one or more vendors will result in economies of scale and cost-savings to the

city.

"Competitive bidding" or "competitive bid" means the city's procedure for obtaining goods or general services in which sealed bids are submitted in response to bid specifications. This process does not permit any negotiation with the apparent winning bidder after the receipt and opening of bids. Competitive bidding may be accomplished as a result of public advertisement or other electronic public notice methods adopted as official policy by the BPP.

"Competitive proposal" means a QBS process used for obtaining special or professional services in which the city solicits a request for proposals based upon qualifications, experience and other specific requirements, together with a request for a price.

"Contract" means any type of written agreement or documented arrangement involving a purchase, regardless of what the evidence of such arrangement may be called or how it may be referred to, which is approved by the contracting officer, contain terms and conditions protecting the city's legal interests, is properly funded and, where required by charter or ordinance, has been approved by the city council or its designee; provided, however, that so-called letters of intent, letters of interest, memoranda of agreements, and other examples of latent, potential, unilateral or executory documents or arrangements that otherwise may not be binding upon the city, may become a binding legal obligation of the city only if and to the extent that any such document or arrangement has been approved by the city council or its designee.

"Contracting officer" means any director or deputy of a city department, any president or chief executive of a city agency, board, or commission, including the board of education, the WPCA and any other similar duly-constituted agency of city government as defined by Charter or ordinance, or contained in the city's table of organization, including his/her respective designee set forth in writing to the purchasing agent, having direct authority or due authorization to initiate purchases.

"Critical emergency purchase" means a purchase of goods or services that, if not purchased or ordered immediately, can result in injury to human life or significant property damage, or result in consequences detrimental to the city's best interests. These types of purchases include all requirements needed on an emergency basis (a) to comply with federal, state or local laws or codes, or (b) to avoid complete loss of funds made available by non-city public and private funding sources, or (c) to make emergency repairs of city-owned property, buildings, infrastructure, equipment and vehicles, the need for which or the quantity thereof could not have been reasonably anticipated with proper advance planning. The purchasing agent should use the informal competitive quotation process for critical emergency purchases, if possible, but shall not be limited by the applicable threshold dollar amounts set forth herein due to the emergency nature of the purchase. Last-minute purchases not constituting true emergencies or other emergency purchases that do not comply with this definition may only be approved in accordance with the mayoral bid waiver process set forth herein.

"Decentralized purchase order" means payment, other than through the purchase order process, for a

department, agency or commission's purchases of items or services of any kind that conform to the official policy of the board of public purchases as to items that may be so purchased and paid for, expenditures that may be made in this manner due to the timing or requirements of a non-city funding or financing source, dollar thresholds, exceptions, prohibitions, and the like, provided, however, that a purchase may be paid by decentralized purchase order for a greater amount than any dollar threshold established for such item or expenditure if the purchase constitutes either a critical emergency purchase, involves a purchase that if not made and paid for in this manner would result in the loss of funding, or constitutes a purchase or expenditure otherwise permitted by Charter or ordinance and is approved in writing by the comptroller.

"General services" means all services that result in a measurable end product as defined by bid specifications, including but not limited to all services used in the process of building, altering, maintaining, improving or demolishing any city-owned property, structure, building or public infrastructure, but excluding architectural, engineering and other design services, and construction services. Examples of general services include, but are not limited to, electrical work, road resurfacing, sewer repair, building demolition, equipment maintenance and waste disposal services.

"Goods" means supplies, material, equipment and articles, whether purchased or leased, including, but not limited to, fuels, furniture, computers, paper products, food products, sand, and high-tech hardware and software, telecommunications equipment and office equipment.

"Informal competitive proposal" means the purchase of special or professional services that are in excess of seven thousand five hundred dollars (\$7,500.00) but do not exceed twenty-five thousand dollars (\$25,000.00) based upon a reasonable and documented attempt to solicit proposals as set forth herein, which process shall not require public advertisement.

"Informal competitive quote" or "informal competitive quotation" means the purchase of goods or general services or the purchase of special or professional services that are in excess of one thousand dollars (\$1,000.00) but do not exceed seven thousand four hundred ninety-nine dollars (\$7,499.00), which processes shall not require public advertisement.

"Lowest responsible bidder" means the bidder whose bid is (a) a complete response to the invitation to bid and (b) the lowest of those bidders possessing the skill, ability, financial capacity, business integrity and experience necessary for faithful performance of the described work based on objective criteria. Evaluation of lowest responsible bidder shall include best value considerations whether or not such considerations are set forth in the bid documents. Bidders may be excluded from consideration entirely if they are listed on the disqualified vendor list at the time the invitation to bid is the subject of public advertisement or at the time the city otherwise seeks to make a purchase as described herein. In a request for proposals process, a bidder may be chosen as lowest responsible bidder from among those bidders that are pre-qualified or based upon recognized industry standards that the contracting officer responsible for the purchase has certified in writing to the purchasing agent as commercially relevant. The city reserves the right to reject any and all bids and to waive informalities in a bid to the extent that

such informalities are not material and do not give one bidder an unfair advantage over other responsive and responsible bidders.

"Mayoral bid waiver" means the mayor's authority to grant a written waiver of the requirements for public advertisement, and the need for a competitive bidding or competitive proposal process in connection with critical emergency purchases, after receiving (a) the contracting officer's written statement of the need for such waiver with all appropriate backup information, and (b) the purchasing agent's written recommendation of the need for such waiver.

"Public advertisement" or "publicly advertised" means the advertisement in one or more media of the city's desire to make a purchase expected to cost seven thousand five hundred dollars (\$7,500.00) or more placed (a) in a newspaper of general circulation in the Bridgeport area, (b) in other print media designated to encourage a greater number of bids, (c) on the city's internet website, (d) on other electronic media available to the general public, or (e) in other media authorized by the BPP; it being understood that certain purchases, such as those made by the informal competitive quote and the informal competitive proposal processes, critical emergency purchases, qualified purchases, and purchases under one thousand dollars (\$1,000.00) shall not require public advertisement. The content and location of public advertisements shall be determined as set forth herein or as otherwise authorized by official policy of the BPP. Purchases shall not be deliberately split in amount, artificially staggered over time, or otherwise be the subject of any other artifice designed to avoid the requirement to utilize competitive bidding or other purchasing methods required herein.

"Qualified purchase" means a purchase of goods or services where either there is only one source for such purchase a purchase from a special source will provide a lower cost than would result from competitive bidding, time is critical and the purchase could not have been planned, or the purchase involves items whose prices are controlled by federal or state regulation.

"Quality-based selection" or "QBS selection" means a method for purchasing special or professional services by either initially pre-qualifying bidders prior to obtaining a price proposal or making a final selection without a price proposal. Such process initially requires the submission of professional qualifications, demonstrated business experience, specific project experience, evidence of business integrity, and professional competence. Where qualifications alone are paramount in the selection process and price is not a factor, a final selection is made based on qualifications alone. In other QBS processes where price is not a factor initially in the selection process, or only one of a number of factors to be considered in making a final decision, a final selection is made based upon the submission of price proposals following pre-qualification.

"QBS selection panel" means a group of individuals qualified by knowledge, training and experience in purchases of the type contemplated and having no real or apparent conflict of interest in the outcome of the QBS selection, consisting of at least three city employees selected by the contracting and supplemented where possible by other similarly qualified individuals from the general public having no real or apparent conflict of interest in the outcome of such selection, or otherwise as specified by official

policy of the BPP. Such panels shall use uniform, objective selection criteria established in advance for the particular purchase or criteria otherwise specified in writing by the BPP. The QBS selection panel shall make a written report of its selection, the criteria used and its recommendation to the board of public purchases, which shall make the final decision and award.

"Request for proposals" means a form of QBS selection process that includes a request for professional qualifications where such qualifications are important but not paramount, and where price is a paramount factor to be considered in making an award. A request for proposals may follow a request for qualifications from pre-qualified bidders.

"Request for qualifications" means a form of QBS selection that includes a request for professional qualifications where such qualifications are paramount in the selection and price is not a factor.

"Special or professional services" means the furnishing of judgment, expertise, design, advice or effort by persons other than city employees, not involving the delivery of a specific end product defined by bid specifications. These types of services include, but are not limited to, consulting, legal, financial, technical, audit, appraisal, architecture, design, engineering and other similar professional services not contemplated as general services. Such services shall also include unique, warranty or single-source services not generally available for specific city-owned property, equipment, building systems and equipment, and vehicles where the nature of the required services cannot be defined in advance by bid specifications and the professional or proprietary knowledge and expertise of the service provider is paramount to the lowest cost and otherwise in the city's best interests.

"Summary bid process" means a competitive bid process described herein that the city may elect to utilize among the selected responsible, qualified bidders for a purchase when all bids exceed any budget appropriation.

B. Purchase of goods and general services.

1. Purchases not requiring competitive bidding. Except for items the city requires to be purchased from vendors selected during a consolidated purchasing process, competitive bidding through the purchasing agent is not required for purchases between one dollar (\$1.00) and nine hundred ninety-nine dollars (\$999.00); provided, however, that purchases shall not be deliberately split in amount, artificially staggered over time or be the subject of any other artifice in order to avoid the requirement to utilize the competitive bidding process, informal competitive quotation process or another purchasing method otherwise required herein. The comptroller and the purchasing agent shall monitor such purchases and report any questionable practices to the BPP within five days of becoming aware of such practices.

2. Purchases permitted by informal competitive quotation process. Purchases of goods or general services that are in excess of one thousand dollars (\$1,000.00) but less than seven thousand four hundred ninety-nine dollars (\$7,499.00), see C.G.S. § 7-148v, as the same may be amended from time to time, shall be based upon authorized pricing methods; provided, however, that purchases shall not be

deliberately split in amount, artificially staggered over time, or be the subject of any other artifice in order to avoid the requirement to utilize the competitive bidding process or another purchasing method otherwise required herein. An informal competitive quotation process shall be conducted as follows:

(a) Price quotations, either oral or written, shall be solicited from at least three vendors or service providers by one or more authorized pricing methods. A valid vendor's or service provider's documented refusal to quote shall qualify as a quotation. If the process yields less than three responsive and responsible bidders or if it yields only a single, responsive and responsible source for the purchase, a selection shall be made if such selection is in the city's best interests under the circumstances. The contracting officer shall promptly document the informal competitive quotation process in writing to the purchasing agent.

(b) A purchase of goods or general services shall be counted as one purchase for like items. Unlike items, grouped together on one purchase requisition, shall require price notations only for those items on the purchase requisition that are in excess of three thousand dollars (\$3,000.00). The determination of like and unlike items shall be based on the commodity codes assigned such items under the then-current city financial system.

(c) The purchasing agent may waive solicitation of informal competitive quotations for a critical emergency purchase or for any other purchase for which a mayoral bid waiver may be sought as provided herein.

3. Purchases requiring competitive bidding. Competitive bidding shall be used for all purchases of goods and general services exceeding the sum of seven thousand five hundred dollars (\$7,500.00) (See C.G.S. § 7-148v, as amended); provided, however, that purchases shall not be deliberately split in amount, artificially staggered over time, or be the subject of any other artifice in order to avoid the requirement to utilize the competitive bidding process, informal competitive quotation process or another purchasing method otherwise required herein.

4. Consolidated purchasing.

a. Commonly used goods, general services, special and professional services. The purchasing agent shall make purchases that are commonly used by several departments, where the total annual purchase for each type of goods or services anticipated to be used by such departments is in excess of twenty-five thousand dollars (\$25,000.00) per fiscal year in the aggregate, in order to achieve the best price.

b. Exclusions from consolidated purchasing. The purchasing agent may exclude purchases from the requirements of consolidated purchasing, provided that the contracting officer submits a written request with justification for exclusion from consolidated purchasing and the purchasing agent makes a written determination that:

i. No significant cost savings; other efficiencies or benefits can be achieved through consolidated

purchasing; or

ii. The unique requirements of such purchase require that such purchase be made separately from consolidated purchasing.

c. Requirements contracts; price agreements. The purchasing agent may, at his/her discretion, purchase specific items under one procurement by procuring a master requirements contract or a price agreement under which city departments may obtain goods or services directly from the vendor. In selecting such a vendor, the total cost of all goods or services at the expected quantities or dollar values to be purchased shall be used in determining the total cost of the proposal or bid and the selection shall be made on the basis of best value.

d. Planning for anticipated needs. The purchasing agent shall solicit from the various departments and contracting officers their anticipated requirements for goods and services prior to each fiscal year and, as appropriate, shall invite representatives of various departments to determine specifications for items of goods or services to be obtained using consolidated purchasing for their common needs.

C. Competitive bidding process.

For each purchase of goods or general services made by competitive bidding, the following shall apply.

1. All requirements, terms and conditions sought by the city, including quality, delivery terms and vendor or contractor qualifications shall be contained in the bid specifications. For purchases requiring a contract, the contracting officer shall include a draft contract as part of the bid package whenever possible, or other provision shall be made to protect the legal interests of the city. If pre-qualification of bidders is sought prior to bids being accepted or prior to award, the criteria to be met shall also be set forth in the bid documents.
2. The purchasing agent shall publish a notice inviting sealed competitive bidding at least once by public advertisement. The notice shall, to the extent practicable, be published not less than ten working days before the final date for submitting bids. Said notice shall contain a general description of the goods or general services desired, the place where the bid specifications may be obtained, the day, hour, place and manner for bid opening, and other pertinent information.
3. The purchasing agent shall, in addition to the public advertisement, solicit and receive sealed bids by approved communication methods from all qualified, responsible bidders on the bidder list, whose goods and services comply with the purchases sought according to the city's then-current commodity codes, by sending them copies of the public advertisement promptly after publication. Such communication notices shall be solely for the convenience of suppliers. Any failure to provide or delay in providing any supplier with such notice shall not invalidate the bid process, incur liability to the city or prejudice it in any manner.

4. The purchasing agent may revise the bidder list(s) by deleting bidders who have not responded to three consecutive bids sent to them, who have not registered or re-registered electronically, or have not otherwise given written notice to the city by an approved communication method of their interest in remaining on such bidding list.
5. All bids shall be submitted sealed, to the extent that the purchasing method used permits sealing, to the purchasing agent and shall be accompanied by bid security in the form of certified check, credit card authorization, or bond in the amount stated in the public advertisement or bid documents; provided, however, that, target groups and SLBEs defined in Section 3.12.130 of this title, shall only be required to submit bid security for contracts having a value in excess of, or reasonably expected at the time of award to have a value in excess of one hundred thousand dollars (\$100,000.00). A bid is nonresponsive unless such security or evidence that such security can be obtained is received at the time of bid opening. Each bidder is solely responsible for submitting all bid requirements in strict compliance with the public advertisement. The bids shall be opened in public at the time and place stated. Any bid received after the time specified, in any other manner than required, or at any other location than specified in the public advertisement shall be deemed nonresponsive, shall be rejected, and shall be returned, unopened where the method used may allow, to the bidder.
6. For each purchase made by competitive bidding, a record of all bids submitted, giving the names of the bidders and amounts of the bids and indicating the successful bidder, together with the originals of all competitive bids and any other pertinent documents, shall be preserved by the purchasing agent in accordance with state law or the city's record retention practices, whichever shall be longer in duration.
7. The purchase shall be awarded to the lowest responsive, responsible, and qualified bidder or pre-qualified bidder who meets the requirements, terms and conditions contained in the bid specifications and represents the best value to the city. In the case of a purchase by competitive bidding where the public advertisement indicates that bidders will be pre-qualified, the purchasing agent has the authority to make an award exclusively from the list of pre-qualified bidders.
8. In the event all bids submitted by responsive, responsible and qualified bidders exceed the city's budget for such purchase, after deduction of all reasonably anticipated contingencies, at the request of the contracting officer, the purchasing agent shall conduct a summary bid process open only to such responsible, qualified bidders that originally submitted a bid. Such summary bid process may include a post-bid conference, shall permit resubmission of such original bids or the submission of new bids in not less than three days from the mailing of notice to the original bidders, and may provide for the deletion or modification of one or more alternates or change in the specifications provided in the original bid package, as determined by the contracting officer.

D. Awarding of contracts that contain alternates.

1. All bid specifications for a purchase for which alternates are to be included shall have the alternates listed in their order of priority, provided, however, that the contracting officer may change the priority of

such alternates during a summary bid process.

2. Prior to making an award for which the bid specifications list alternates to be included, the contracting officer shall inform the purchasing agent as to which alternates are to be included in the award.

E. Purchasing special or professional services.

1. Purchases permitted by consolidated purchasing. Purchases of special or professional services anticipated to cost less than twenty-five thousand dollars (\$25,000.00) per fiscal year may be procured through consolidated purchasing as provided herein.

2. Purchases exempt from competitive bidding. Purchases of special or professional services anticipated to cost between one dollar (\$1.00) and nine hundred ninety-nine dollars (\$999.00) shall be made in the manner specified in paragraph B(1) hereof.

3. Purchases permitted by informal competitive quotation process. Purchases of special and professional services anticipated to cost between one thousand dollars (\$1,000.00) and seven thousand four hundred ninety-nine dollars (\$7,499.00) shall be made in the manner specified in paragraph B(2) hereof.

4. Purchases requiring an informal competitive proposal process. Purchases of special or professional services that are in excess of seven thousand five hundred dollars (\$7,500.00) but do not exceed twenty-four thousand nine hundred ninety-nine dollars (\$24,999.00) shall be based upon a reasonable and documented attempt to solicit proposals, without the need for public advertising, in the following manner:

a. Proposals shall be solicited from at least three qualified or pre-qualified vendors. An otherwise qualified vendor's refusal to submit a proposal shall qualify as the solicitation of a proposal. The contracting officer shall document the process in writing and submit a report to the purchasing agent. If a single reasonable source exists for the service, the contracting officer shall include this information in his/her submission to the purchasing agent.

b. The solicitation of proposals may be waived for any critical emergency purchase by obtaining a mayoral bid waiver. A waiver other than a mayoral bid waiver shall require the contracting officer to certify in writing to the purchasing agent the need for a waiver, and the purchasing agent shall determine if such waiver is appropriate. No further approval shall be required. If the purchasing agent is not requested to give such waiver or refuses to approve such waiver, a mayoral bid waiver may be sought. All said waivers shall be included in the purchasing agent's quarterly report to the BPP.

5. Purchases requiring a QBS selection process. In cases where the contracting officer intends to purchase special or professional services that are anticipated to exceed twenty-five thousand dollars (\$25,000.00), a QBS selection process shall be used for such purchase.

F. Quality-based selection processes: pre-qualification process; competitive proposal process; competitive qualification process followed by competitive proposal process.

1. Solicitation of proposals using quality-based selection.

a. Quality-based selection as a pre-qualification process.

i. A QBS selection process may be utilized to pre-qualify bidders for the purchase of special or professional services in an amount greater than twenty-five thousand dollars (\$25,000.00), where the contracting officer determines that such services are unique or that the nature of the project requires selection criteria primarily influenced by the bidder's knowledge and experience in similar or related projects. The contracting officer's recommendation to conduct such a pre-qualification process shall be set forth in writing and submitted to the purchasing agent for approval. A QBS selection panel shall be formed by the contracting officer or otherwise in accordance with official policy of the BPP.

ii. Public advertisement of the QBS selection process, whether or not such process is used for pre-qualification of bidders or final selection, shall be deemed satisfied for such purchase.

iii. The contracting officer shall prepare the public advertisement containing necessary and desirable information for those who might respond to a QBS selection process and the criteria to be used for selection. A QBS selection panel shall be formed to evaluate the responses, determine the qualified respondents and proceed to make a selection and/or to submit a request for proposals to such respondents.

iv. The QBS selection panel shall review all qualifications submitted and shall, where necessary and practical, interview not less than three proposers (or such lesser number as shall have submitted qualifications so long as the purposes of competitive procurement meeting the best interests of the city is achieved). The QBS selection panel shall evaluate the responses, identify the qualified or pre-qualified proposers, and proceed to submit a request for proposals to the highest-ranking pre-qualified proposers and thereafter make a selection recommendation to the BPP. The QBS selection panel shall make a written report of its selection, the criteria used and its recommendation to the board of public purchases, which shall make the final decision and award. The use of such QBS processes shall be included in the purchasing agent's quarterly report to the BPP.

v. The city reserves the right to refuse to award or approve a contract with, or purchase from, a bidder as a result of prior facts and circumstances that resulted in increased costs, additional risks or liabilities, or other damage harmful to the best interests of the city reasons, including, but not limited to the following:

(a) The bidder having defaulted on a previous contract and failed to cure such default, resulting in termination of the contract;

(b) The bidder having failed, without acceptable justification, to complete a contract within the contract

time;

(c) The bidder having completed the material terms of a contract, neglecting or refusing to close out the contract by delivering all required documentation, training, warranties, manuals and the like, failing to complete punchlist or warrantly work in a timely manner as required by the contract; or

(d) the bidder having made misleading or false statements, representations or warranties concerning its financial stability, personnel, qualifications, experience, capitalization, performance record, absence of conflicts.

b. Quality-based selection as a final selection process. A QBS selection process may be utilized in the purchase of special or professional services without seeking price proposals when the contracting officer determines that such services are unique or that the nature of the project requires selection criteria where the knowledge and experience of a bidder in similar or related projects are paramount, and the best interests of the city will be served by the use of such process without considering price as a determining factor in selection. The contracting officer shall then negotiate a proposed contract with the selected bidder with the assistance of the office of the city attorney, at compensation determined by the contracting officer to be fair and reasonable to the city, considering the estimated value, scope, complexity and professional nature of the services to be rendered. Such selection shall be conducted, documented and recommended to the BPP for approval in the same manner as described above for a quality-based selection as a pre-qualification process, together with the proposed contract. The contract price shall be determined in the following manner:

i. After selection, the contracting officer shall then enter into negotiation of a contract, preferably on a form included with the bid documents, with the selected vendor with the assistance of the office of the city attorney, using a formula for compensation determined by the contracting officer to be fair and reasonable to the city, considering the scope of the work, the delivery or completion requirements, the complexity and specialized nature of the services to be rendered, and other relevant factors. Such formulas may include, but are not limited to, time and materials with or without a not-to-exceed price, cost of the work plus a fee, lump sum, guaranteed maximum price, and the like. The contracting officer's rationale for selection of a compensation formula shall be made in writing to the purchasing agent prior to entering into negotiations; or

ii. Should the contracting officer be unable to negotiate a satisfactory contract with the selected vendor, negotiations shall be terminated in writing; or

iii. The contracting officer shall then enter into negotiations with the next most qualified firm identified in the selection process and still interested in the project. Should the contracting officer be unable to negotiate a satisfactory contract with such vendor, negotiations shall be terminated in writing and shall proceed to negotiate with the next most qualified firm, and so on; or

iv. The city reserves the right to refuse to award or approve a contract with or purchase from a bidder for

the same reasons as set forth in Section F above.

c. Reports. For each purchase of services by QBS selection process, the contracting officer or QBS selection committee, as the case may be, shall make a written report of all such purchases to the BPP, the city council, the mayor, the office of policy and management, and the finance department. The purchasing agent shall make a record of all proposals submitted, giving the names of the proposers, indicating the successful proposer, clearly stating the basis for the selection made, the basis for the award made by the BPP, including the originals of all proposals and any other documents pertaining to the selection process, and shall keep the same in accordance with the city's records retention policy.

2. Requests for proposals.

Except as otherwise authorized in this section, for each purchase of special or professional services in excess of twenty-five thousand dollars (\$25,000.00) where professional qualifications and experience are important but where price is the paramount factor to be considered in making a selection, such purchase shall be made by competitive proposal process, as follows:

a. Preparation of the request for proposals. The contracting officer shall prepare a request for proposals. All requirements, terms and conditions, including bidder qualifications, desired by the city shall be included in the request for proposals. Whenever possible, a draft contract shall be made a part of the request for proposals or other bid documents. The purchasing agent shall assist in the preparation if needed. For purchases that require an additional funding appropriation, the request for proposals shall clearly state that the award of a contract is contingent upon the appropriation of funds.

b. Solicitation of proposals.

i. The purchasing agent shall, in cases where such proposed purchase is not preceded by a QBS pre-qualification process, by public advertisement make notice of the request for proposals at least once within ten working days prior to the deadline to submit proposals, unless the contracting officer determines that a shorter response time is required. Whenever the service requested is so specialized that few appropriate bidders can reasonably be expected to respond to said notice, public advertisement shall also be made in other media appropriate to the nature of the service requested and calculated to result in a greater number of proposals.

ii. The purchasing agent shall, in addition to the public advertisement, solicit competitive bids from all qualified, responsible bidders on the bidder list, whose goods and services comply with the purchases sought according to the city's then-current commodity codes, by sending them copies of the public advertisement promptly after publication. Such mailings shall be solely for the convenience of suppliers. Any failure to provide or delay in providing any supplier with such notice shall not invalidate the bid process, incur liability to the city or prejudice it in any manner.

iii. The proposal process may be waived for any critical emergency purchases or for any other reasons

contained in this section and in the manner provided herein.

c. Evaluation of proposals.

i. The purchasing agent, with the assistance of the contracting officer, if any, shall evaluate all proposals based upon the criteria and requirements stated in the request for proposals, or otherwise in accordance with BPP official policy. For purchases exceeding one hundred thousand dollars (\$100,000.00) the QBS selection panel shall, if possible and practical, conduct personal interviews with the most qualified bidders.

ii. A QBS selection panel shall be formed to review the proposals and make a selection according to pre-established selection criteria and a price proposal. Such selection shall be conducted, documented and recommended to the BPP for approval in the same manner as described above for a quality-based selection as a final selection process. The use of requests for proposal shall be included in the purchasing agent's quarterly report to the BPP.

iii. The contracting officer or QBS selection panel, as the case may be, shall not accept as responsive or review any proposal received that is not in strict compliance with this section.

iv. The contracting officer or QBS selection panel, as the case may be, shall select the proposer whose proposal is deemed to best provide the services desired, taking into account the requirements, terms and conditions contained in the request for proposals and the criteria for evaluating proposals and make a recommendation to the BPP, which shall make the final award.

v. For each purchase of services by competitive proposal, the contracting officer or QBS selection panel, as the case may be, shall make a written record of all proposals submitted, giving the names of the proposers, indicating the successful proposer, clearly stating the basis for the selection made, and including the originals of all proposals and any other documents pertaining to the selection process, and shall submit the same to the purchasing agent for keeping in accordance with the city's records retention policy.

3. Request for qualifications process followed by request for proposals process. A QBS selection process may be utilized to pre-qualify bidders for the purchase of special or professional services in an amount greater than twenty-five thousand dollars (\$25,000.00), where the contracting officer determines that such services are unique or that the nature of the project requires selection criteria primarily influenced by the bidder's knowledge and experience in similar or related projects but that price is also an important factor in making a selection. The contracting officer's recommendation to conduct a request for qualifications process followed by a request for proposals process with pre-qualified bidders shall be set forth in writing and submitted to the purchasing agent for approval. A QBS selection panel shall be formed and shall attempt to select a minimum of three qualified bidders to receive a request for proposals. The QBS selection panel shall make a written report of its selection following review of responses to the request for proposals, the criteria used and its recommendation to the board of public

purchases, which shall make the final decision and award. The use of such pre-qualification process followed by a proposal process shall be included in the purchasing agent's quarterly report to the BPP.

G. Waiver of competitive processes in critical emergencies.

1. Waiver of competitive bidding for critical emergency purchases.

a. The contracting officer shall set forth in writing to the purchasing agent the reasons why public advertising and competitive bidding or other competitive process otherwise required by this section should be waived. Critical emergency purchases shall be limited to those purchases reasonably necessary, and only for such duration, as may be required to meet the emergency circumstances described. The purchasing agent shall initially determine whether a critical emergency purchase is appropriate and, if so, shall make a written recommendation to the mayor to grant such a waiver. The mayor shall consider the matter and issue a mayoral bid waiver if appropriate, or in his/her absence the council president shall consider and decide such matter, before any critical emergency purchase may be made.

b. After the issuance of any mayoral bid waiver, the purchasing agent shall inform the contracting officer, who shall submit written certification of the selection of the particular vendor or vendors and other pertinent details within five working days after such purchase to the mayor, the city council, the director of finance, the director of the office of policy and management, and the BPP. Such purchases shall be included in the purchasing agent's quarterly report to the BPP.

2. Waiver of competitive bidding for qualified purchases.

a. Purchases other than critical emergency purchases may be made without competitive bidding or other competitive processes otherwise required by this section for the following reasons:

i. Only one qualified or available vendor or sole source can be identified through reasonable efforts, for example, where only one vendor is authorized or certified to do such work, where parts are available only through a single dealer or distributor, or where the work is proprietary or relates to products that are proprietary and cannot be substituted without adverse effects or complications.

ii. Purchase from a special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will provide a lower cost than that which would result from a competitive process.

iii. Time is a critical factor and such purchase could not have been previously anticipated through proper advance planning.

iv. The purchase involves items the prices of which are federal or state regulated.

b. The purchasing agent shall make written certification of the reasons for the waiver of competitive bidding or public advertisement, the reasons for the selection of the particular vendor or vendors, and other pertinent details within five working days after such purchase to the mayor, the city council, the director of finance, the director of the office of policy and management, and the BPP. Such purchases shall be included in the purchasing agent's quarterly report to the BPP.

H. Duties of the purchasing agent; contracting officers; board of public purchases.

1. Purchasing agent. The purchasing agent has the primary responsibility for working with contracting officers concerning the content of public advertisements and the general content of all bid specifications and specific city requirements, issuance of public advertisements for all competitive bids and QBS selection processes for goods, general services, or special or professional services, and such other responsibilities set forth in the charter or ordinances or established by the BPP. The purchasing agent is responsible for reporting all material exceptions, deviations from or violations of this section to the mayor, the city council, the director of finance, the office of policy and management and the BPP within fourteen (14) days of learning of such matter.

2. Contracting officer. The contracting officer, directly or through his/her designee, has primary responsibility for protecting the legal interests of the city by ensuring that, with the advice of the city attorney, the city's legal rights and remedies are protected in connection with such purchase. The contracting officer also has the primary responsibility to develop the technical requirements and other project-specific needs for inclusion in the bid documents, to disclose the selection process and criteria to be used, to specify the legal requirements for the contractual relationship with the bidder including, wherever possible, the form of contract to be entered into, and the like. The contracting officer is further responsible to ensure that he/she has authority to make the subject purchase, the resulting contract has received all city approvals required and, upon the execution of any contract, original executed documents or true and complete copies are distributed promptly to the finance department and the city attorney. It is also the primary responsibility of the contracting officer or his/her designee to attend to the details of the purchase and the administration of the relationship with the selected vendor over time, including but not limited to ensuring that: the contract is adhered to; problems, disputes, events of default and the like are properly documented and promptly brought to the attention of the city attorney for advice or action; all insurance policies and security (e.g., cash deposits, bonds, letters of credit, guarantees) remain current, up-to-date and in place for the city's benefit; and the contract documentation and close-out thereof, including where appropriate, obtaining all lien waivers and final releases, guarantees, operating and service manuals, employee training, etc., is completed.

3. Board of public purchases. The BPP shall be familiar with purchasing department operations and other city operations involved in the purchasing process, and shall perform the responsibilities assigned to it in the Charter, ordinances and this section. Such responsibilities include, but are not limited to, hearing appeals from decisions of the purchasing agent, handling bid protests, reviewing appeals from decisions regarding vendor disqualification, establishing official purchasing policies, working rules and regulations, evaluating periodic reports from the purchasing agent, taking appropriate action where required, and otherwise ensuring that the purchasing process operates as intended. The BPP shall

circulate any proposed official policy, working rule or regulation for review and comment to the purchasing agent, the mayor, the city council, the department of finance, the office of policy and management, and the city attorney thirty (30) days in advance of its intent to adopt, and shall not vote to adopt such proposal until it has received and considered comments during such thirty (30) day period.

I. Contract requirements.

1. Contract required. A written contract between the city and a bidder is required for any purchase that exceeds twenty-five thousand dollars (\$25,000.00). Such requirement may be satisfied with a contract form included in the bid documents and executed by the parties, a contract negotiated and executed by the parties after award, or by the standard terms set forth on the city's purchase order form acceptable to the office of the city attorney, as the same may be amended from time to time. Except for purchases where the contract is contained on the purchase order, any other contract shall be reviewed and approved as acceptable by the office of the city attorney, by the city's risk manager where insurance, indemnification, guarantees, bonds or other security is required, and by other appropriate city departments, and such contract shall be signed by the mayor or other designee in the manner authorized by the city council, provided, however, that, with respect to contracts resulting from a competitive bidding process, the purchasing agent is authorized to execute such contracts in consultation with the office of the city attorney. Purchases for amounts less than seven thousand five hundred dollars (\$7,500.00) shall be governed by the terms of the purchase order acceptable to the office of the city attorney.

2. Contract approval; material modifications. All contracts for purchases that exceed twenty-five thousand dollars (\$25,000.00) shall require city council approval and shall be signed by the mayor or the contracting officer, with the following exceptions:

a. In cases where this section allows the terms of the contract to be contained on the purchase order, which does not require the execution of additional contract document;

b. In cases where this section authorizes the purchasing agent to sign all contracts that result from the competitive bidding process;

c. In cases involving consolidated purchasing, the purchasing agent is authorized to sign all contracts that result;

d. In cases where a critical emergency purchase is authorized, the mayor or his designee is authorized to sign all contracts that result; and

e. In cases where a qualified purchase is authorized, the mayor or his designee is authorized to sign all contracts that result.

If material modifications in the scope, time or price of the contract are desired after signing, except in

the case of a construction contract or other contract that provides by its terms for the submission, consideration, rejection or approval of changes in scope, time or price, which changes are of the type that were not anticipated at the time of bid and result from unforeseen conditions, changes in law, latent defects in bid specifications and similar changed circumstances, such material modifications shall require written approval by and signature of the mayor in consultation with the director of finance, the director of the office of policy and management, and the office of the city attorney, unless the BPP has adopted an official policy governing the procedure for dealing with material changes.

3. Contract extensions.

a. The contract time for performance in contracts having an original value of greater than one hundred thousand dollars (\$100,000.00) that resulted from a QBS selection process, critical emergency purchase or qualified purchase may not be extended unless the contracting officer certifies in writing to the purchasing agent the necessity of such extension and that no significant additional cost to the city will result. If the purchasing agent approves such request, such extension may not exceed six months, except for construction contracts where the contract contains provisions for changes in schedule, including suspension of work, which shall govern the duration of any such extension.

b. Any purchase that results from competitive bidding or competitive proposal processes may be extended beyond the contract time period for up to one additional year from the date of award without additional bidding for one or more of the following reasons:

i. The vendor is the sole qualified or available provider. This shall include sole source or proprietary service/maintenance contracts for existing equipment and vehicles.

ii. Additional competitive bidding or requests for proposals would result in an increase in cost or significant disruption of city operations. Employee benefits contracts with third-party providers and administrators are included in this category.

iii. City services would have to be discontinued in the absence of another vendor. There shall be a six-month limit on the contract extension.

iv. An option to extend the contract term is included in the bid documents or the contract.

c. The contracting officer is responsible to give written notice to the purchasing agent of such extensions, the purchasing agent shall keep a record of every contract extension, and shall include such extensions in his/her quarterly report to the BPP.

4. Additional purchases from a vendor prohibited. The city shall not purchase any item of goods or services from a vendor that was not of the type or closely related to the goods or services described in the bid documents or the contract.

J. City right to set-off delinquent property taxes owed.

1. Right of set-off. Pursuant to C.G.S. § 12-146b, as amended, the city has the right to set-off against any payment due to a vendor or to withhold payment from any vendor if any taxes levied by the city against any vendor or its property, both real and personal, are delinquent, provided, however, that no such amount withheld shall exceed the amount of tax, plus penalties, lien fees and interest outstanding at the time such set-off or withholding of payment occurs. Any vendor that has either been selected by competitive bidding process, has signed a contract or has obtained a purchase order hereby authorizes the city to execute such set-off or to withhold such payment from amounts otherwise due to the vendor.
2. Authority to set-off. Upon the tax collector's issuance of any delinquent tax list, the contracting officer or the comptroller shall have the authority to set-off against any payment due to a vendor or to withhold payment to such vendor the amount of any delinquent taxes due, together with penalties, lien fees and interest outstanding.

K. Purchases through state and federal bid lists, cooperative agreements between municipalities and the like.

1. Use of other bid lists. Procurements obtained by competitive bidding conducted by the State of Connecticut, by the Connecticut Hospital Association or its affiliates, by the federal General Services Administration, or through cooperative associations or agreements between and among municipalities may be utilized when the purchasing agent determines, in writing to the BPP, that utilization of such procurements would be in the best interests of the city; provided, however, that either the purchasing agent shall issue guidelines for the proper utilization of such procurements or the BPP shall adopt an official policy for the proper utilization of such purchases. The purchasing agent shall be responsible for the proper utilization of such other bid lists and cooperative agreements and shall take proper precautions to prevent misuse as he/she may deem to be in the best interests of the city.

L. Exemptions from this section.

The sale or purchase of public utilities, as defined under Connecticut law, are not subject to the provisions of this section, however, any provider of a public utility that seeks to do business with the city must meet the threshold requirements of a responsive and responsible bidder under this section.

M. Reports to be prepared by the purchasing agent.

1. Quarterly reports. The purchasing agent shall prepare a written quarterly report within thirty (30) days after the close of each calendar quarter ending in the months of September, December, March and June in a fiscal year, and shall submit the same to the BPP, with copies to the mayor, the city council, the department of finance, and the office of policy and management. Said reports shall contain information about the following activities:

- a. Purchases made by the competitive bidding process;
- b. Purchases made by the competitive proposal process;
- c. Waivers granted from competitive bidding or competitive proposal processes, including critical emergency purchases, mayoral bid waivers issued and qualified purchases;
- d. Waivers granted from informal bid and proposal processes;
- e. Contracts granted material extensions of scope, time or price;
- f. Contracts granted material modifications of terms and conditions;
- g. Purchases made through federal or state bid lists or through cooperative purchasing arrangements with associations or other municipalities;
- h. Violations or suspected violations of this section; and
- i. Other activities required to be reported to the BPP herein.

2. Annual list of purchases. A list of all purchases made by the purchasing agent shall be filed annually with the city clerk. Said list shall include the name, address, disadvantaged or minority business status of the vendor, the department, board, or commission making such purchase, the types of goods or services purchased and the total price paid by the city.

N. Audit.

The city's internal auditors shall conduct an audit of purchasing activities every three years or as otherwise directed by the BPP. Notwithstanding this requirement, the department of finance, office of policy and management or the mayor may request an independent auditor to perform an audit of city purchases.

O. Violations and penalties.

Any deliberate, willful attempt to violate or circumvent the purchasing process established by this section shall be a violation of the city's code of ethics, as the same may be amended from time to time, and shall be dealt with as appropriate by the ethics commission. Any decision by the ethics commission shall not prohibit the city from pursuing its other legal rights and remedies in connection with such violations.

P. Purchases requiring use of other procedures.

Notwithstanding the provisions of this section, with regard to any purchase that is funded in whole or in part by federal or state grant funding or other assistance where the city is the applicant or directly or indirectly benefits therefrom, or as a condition of such funding or assistance the city is required to follow the grantor's procurement rules and regulations, such other procurement rules and regulations shall be followed in lieu of the purchasing processes described in this section.

Q. Records retention. All records of purchases made and related activities shall be retained in accordance with state of Connecticut guidelines for retention of public records.

R. Mandated contract terms incorporated by reference. All terms required by law to be inserted in a contract for particular purchases or purchases in general, including but not limited to equal employment opportunities, affirmative action goals, and the like, shall be deemed to be incorporated by reference into any contract described in this section as if fully such terms are set forth therein.

(Ord. dated 6/19/06 (part); Ord. dated 6/16/03)

3.08.080 Deleted.

3.08.090 Disqualification of vendors from doing business with the city Procedure.

Purpose. The standards for determining when a contractor, vendor or consultant should be disqualified from contracting with the city directly or as a subcontractor for another party contracting with the city, and the procedures for disqualification are hereby established in order to determine when such action is in the best interests of the city.

A. Definitions Used. For purposes of vendor disqualification proceedings, the following definitions shall apply:

"Decision" means the written determination by the hearing officer, following notice to the vendor and an opportunity to be heard in accordance with the provisions of this section, with reasons for any action taken, which decision shall be given to the vendor within ninety (90) days following the last date of any hearing in the matter by certified mail, return receipt requested.

"Hearing officer" means the city's purchasing agent or, in his/her absence, his/her qualified designee.

"Period of disqualification" means the period specified in a decision of the hearing officer during which the vendor shall not be permitted to seek or obtain a contract from or other arrangement to supply goods or services to the city, which period shall be no longer than two years duration for the violation that is the subject of the decision.

B. Direct Basis for Finding Disqualification. The hearing officer may disqualify a vendor from seeking

or obtaining a contract from or arrangement to supply goods or services to the city for one or more of the following reasons:

1. Conviction or entry of a plea of guilty or nolo contendere for, or admission to, the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
2. Conviction or entry of a plea of guilty or nolo contendere or admission to the violation of any state or federal law for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a municipal contractor;
3. Conviction or entry of a plea of guilty or nolo contendere or admission to a violation of any state or federal antitrust, collusion or conspiracy law arising out of the submission of bids or proposals on a public or private contract or subcontract;
4. A willful failure to perform in accordance with the terms of one or more public contracts, agreements or transactions;
5. A history of failure to perform or of unsatisfactory performance of one or more public contracts, agreements or transactions;
6. A willful violation of a statutory or regulatory provision or requirement applicable to a public contract, agreement or transaction;
7. A willful violation of Section 3.12.130 of this title.

C. Conduct That May be Imputed to the Vendor. For purposes of determining whether a vendor should be disqualified, the following conduct may be imputed to the vendor:

1. The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with a vendor may be imputed to the vendor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the vendor and the vendor knew, or had reason to know, of such conduct. The term "other seriously improper conduct" does not include advice from an attorney, accountant or other paid consultant if it was reasonable for the vendor to rely on such advice;
2. The fraudulent, criminal or other seriously improper conduct of a vendor may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the vendor who participated in, knew or had reason to know of the vendor's conduct; and
3. The fraudulent, criminal or other seriously improper conduct of one vendor participating in a joint

venture or similar arrangement may be imputed to other participating vendors if the conduct occurred for or on behalf of the joint venture or similar arrangement and these vendors knew of or had reason to know of such conduct.

D. Mitigating Circumstances. The existence of a cause for disqualification shall not be the sole factor to be considered in determining whether the vendor shall be disqualified. In making a determination, the hearing officer shall consider the seriousness of the vendor's acts or omissions and any mitigating factors.

E. Other Factors That May be Considered. After a decision is rendered, the city council may reduce the period or extent of disqualification, upon the vendor's request, supported by documentation, for the following reasons:

1. Newly-discovered material evidence;
2. Reversal of the conviction or guilty plea upon which the disqualification was based;
3. Bona fide change in ownership or management of the vendor;
4. Elimination of other causes for which the disqualification was imposed; or
5. Other reasons the city deems appropriate.

F. Limited Exception from Disqualification When the Public Good Would be Served. The city may grant an exception permitting a disqualified vendor to participate in a particular contract upon a written determination by the purchasing agent, with the advice of the city attorney, that there is good cause, in the interest of the public, for such action.

G. Notice and Opportunity to be Heard. The city, through its purchasing agent, shall give written notice to the vendor of the city's intent to commence a hearing to determine whether the vendor should be disqualified under this section, and shall hold one or more hearings thereon, in accordance with the provisions of Chapter 54, Section 4-166 et seq., of the General Statutes then in effect. The city attorney is authorized and directed to assist the hearing officer in the discharge of his/her duties under this section.

(Ord. dated 7/2/07: Ord. dated 6/16/03)

3.08.100 Certified checks or bid bonds Required when Procedure.

A. All advertisements for the proposals or estimates for contracts, when the several parts of the work to be done or the materials or supplies to be furnished under said contract having a value in excess of, or

reasonably expected at the time of award to have a value in excess of, fifty thousand dollars (\$50,000.00), shall require such proposals or estimates to be accompanied by a certified check or bid bond drawn to the order of the city for a sum which shall be ten percent per centum of the total amount of such proposals or estimates; provided, however, that, target groups and SLBEs defined in Section 3.12.130 of this title, shall only be required to submit bid security for contracts having a value in excess of, or reasonably expected at the time of award to have a value in excess of one hundred thousand dollars (\$100,000.00). Where a certified check or bid bond is required under this section, the proposals or estimates of those bidders only who have furnished a certified check or bid bond shall be considered by the purchasing agent in the awarding of any contract.

B. All such certified checks or bid bonds shall be returned to the unsuccessful bidders for such contract after the office of public purchases shall have announced the award thereof to the successful bidder. Within ten days after he shall have received notice of the award to him of any contract or within such time as may be otherwise directed by the purchasing agent, the successful bidder shall furnish to the city a good and sufficient performance bond with surety for the faithful performance of such contract in such amount and containing such terms and conditions as shall be acceptable to the purchasing agent and shall enter into such written contract as the policies of the office of public purchases shall require. The certified check or bid bond furnished to the office of public purchases by the successful bidder shall be returned to him when he shall have executed any written evidence of such contract which may be required by the office and furnished the city with the performance bond provided in this section. In the event that any bidder whose proposals or estimates have been accepted does not furnish the city with said performance bond within ten days from the date that such bidder is notified of the acceptance of his proposals or estimates, or within such time as may be otherwise directed by the purchasing agent, such certified check or bid bond and the funds represented thereby shall be retained by the city, not as a penalty, but as stipulated damages for his failure to execute such written contract and furnish such performance bond.

C. Concession bids, and where deemed advisable, the bids for any by-product or personal property to be sold through competitive bidding by the office of public purchases, shall require such proposals to be accompanied by a certified check or bid bond drawn to the order of the city for the sum which shall be ten per centum of the total amount of such proposal.

D. All such certified checks for bid bonds shall be returned to the unsuccessful bidders for such contract after the office of public purchases shall have announced the award thereof to the successful bidder. Within ten days after he shall have received notice of the award to him of any contract or within such time as may be otherwise directed by the purchasing agent, the successful concession bidder shall furnish to the city a good and sufficient performance bond with surety for the faithful performance of such contract in such amount and containing such terms and conditions as shall be acceptable to the purchasing agent and shall enter into such written contract as the policies of the office of public purchases shall require. Sale of by-products or personal property shall require a bill of sale or contract.

E. The certified check or bid bond furnished to the office of public purchases by the successful bidder shall be returned to him when he shall have executed in writing evidence of such contract which may be

required by the office and furnished the city with the performance bond provided in this section.

F. In the event that any bidder whose proposals have been accepted does not execute such written contract or furnish the city with said performance bond whichever is appropriate within ten days from the date that such bidder is notified of the acceptance of his proposals or within such time as may be otherwise directed by the purchasing agent, such certified check or bid bond and the funds represented thereby shall be retained by the city, not as a penalty, but as stipulated damages for his failure to execute such written contract and furnish such performance bond.

(Ord. dated 6/19/06 (part); Ord. dated 12/21/92 § 18: prior code § 2-277)

3.08.110 Public hearing on sale of city-owned property Advertisement.

The city council shall hold a public hearing on the sale of any city-owned property not less than seventy-two (72) hours prior to any vote by the city council to approve or disapprove the sale of such property. The city clerk shall cause notice of such public hearing to be published in a newspaper of general circulation no less than ten days prior to such public hearing.

(Ord. dated 12/21/92 § 25: prior code § 2-247)

3.08.120 Prevailing union wage rate on all city contracts required.

Each contract hereafter entered into by the city with any person for the construction, remodeling, alteration or repair of any public building or of public works of any kind shall have incorporated therein the following provision:

"Wages paid any mechanic, laborer or workman employed under this contract shall be not less than the customary or prevailing rate of wages paid in the City of Bridgeport for the same type of work in the same trade or occupation as disclosed by the records of the United States Department of Labor relative to the wage schedules and rates in such trades and occupations in the area in which the City of Bridgeport is located."

(Prior code § 2-288)

3.08.130 Insurance.

A. All insurance coverage for which the premium to be paid shall exceed the basic provision of the existing law shall be purchased by the board of public purchases in conformance with its standard purchasing procedures.

B. The board of public purchases, when it shall have awarded any insurance coverage pursuant to

subsection A of this section, shall thereupon notify the insurance commission of its action.

C. In the event that the premium for any insurance coverage shall be less than the basic provision of existing law, the insurance commission shall make arrangements for the purchase of the same.

(Prior code § 2-289)

3.08.140 Unauthorized activities prohibited Liability.

A. No contracts, undertakings, commitments, purchases or obligations shall be made or entered into by the city with any individual, firm, partnership, corporation or other legal entity to provide or perform lobbying services or activities on behalf of the city or any of its officials, boards, commissions or agencies without the approval of the city council. No fees shall be paid by the city or any of its officials, boards, commissions or agencies for lobbying unless funds have been expressly appropriated and identified for that particular purpose within the adopted budget.

B. Any official, officer or employee who authorizes expenditures or disburses funds in violation of this section may be deemed personally liable therefor.

(Ord. dated 12/21/92 § 26: prior code § 2-290)

3.08.150 Penalty for violations of Sections 3.08.070, 3.08.080 and 3.08.100.

Any officer or employee or any member of any board, commission, department, bureau or other agency of the city who shall violate any of the provisions of Sections 3.08.070, 3.08.080 and 3.08.100 shall be deemed guilty of misconduct in office and shall be liable to removal from office therefor.

(Prior code § 2-278)

Chapter 3.12 EQUAL OPPORTUNITY REQUIREMENTS FOR CONTRACTORS

Sections:

3.12.010 Definitions.

3.12.020 Contract provisions.

3.12.030 Pre-award inspection.

3.12.040 Compliance reports.

3.12.050 Effect of labor agreements on ability to comply.

3.12.060 Exemptions.

3.12.070 Duties of contracting agencies.

3.12.080 Conciliation.

3.12.090 Investigation.

3.12.100 Sanctions.

3.12.110 Notification to comptroller.

3.12.120 Effect on other regulations.

3.12.130 Minority business enterprise program.

3.12.010 Definitions.

As used in this chapter:

"Age" means any age between forty (40) and sixty-five (65) years, inclusive.

"Contract" means any written agreement, purchase order or instrument whereby the city is committed to expend or does expend its funds in exchange for work, labor, construction of public buildings and other public works including improvements thereto, equipment, materials, supplies, goods, services or any combination of the foregoing.

"Contracting agency" means any department, board, bureau, commission, office, or other agency, or any official or employee thereof, who or which is authorized to and does, on behalf of the city, provide for, enter into, award or administer contracts as defined in this section.

"Contractor" means any firm, company, corporation, partnership or person, which supplies work, labor, equipment, materials, goods, services or any combination of the foregoing, to the city.

"Office of contract compliance" refers to the city of Bridgeport's office of contract compliance.

(Prior code § 2-301)

3.12.020 Contract provisions.

All municipal contracting agencies shall include in every contract hereafter entered into, except for those exempted in accordance with the provisions of Section 3.12.060, the following provisions:

A. The contractor agrees and warrants that during the performance of this contract he will not discriminate or permit discrimination against any person or group of persons because of race, color, religion, sex, age or national origin in any manner prohibited by the laws of the United States or of the state of Connecticut, and further agrees to take affirmative action to ensure that qualified applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the office of contract compliance setting forth the provisions of this section.

B. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, sex, age or national origin.

C. The contractor will send to each labor union or other representative with which he has a collective bargaining agreement or other contract or understanding, and to each vendor with which he has a contract or understanding, a notice to be provided advising the labor union or workers' representative of the contractor's commitments under this division, and shall post copies of such notice in conspicuous places available to employees and applicants for employment.

D. The contractor will comply with all provisions of this section and with all rules and regulations or orders issued by this office of contract compliance pursuant thereto.

E. The contractor will provide the office of contract compliance with such information requested by said office concerning the employment pattern, practices and procedures of the contractor as relate to the provisions of subsections A through C of this section and rules and regulations and/or orders issued pursuant thereto.

F. In the event of the contractor's noncompliance with the nondiscrimination clauses of the contract or with any rule, regulation or order issued under this section, the contract may be canceled, terminated or suspended, in whole or in part, and such other sanctions may be imposed and remedies invoked as are provided under the provisions of Section 3.12.100(D) and rules, regulations or orders issued pursuant thereto, or as otherwise provided by federal and state laws.

G. The contractor will include the provisions of subsection A of this section, in every subcontract or

purchase order unless exempted by rules, regulations or orders of the office of contract compliance issued pursuant to Section 3.12.060, so that such provision will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the office of contract compliance may direct as a means of enforcing this section, including sanctions for noncompliance in accordance with the provisions of Section 3.12.100.

(Prior code § 2-302)

3.12.030 Pre-award inspection.

No contract shall be let or awarded by any municipal contracting agency unless and until the contractor has filed with the contracting agency and with the office of contract compliance, on forms prescribed by such office, such assurances of willingness and ability to comply with the provisions of this chapter relating to affirmative action and desire to ensure equal employment opportunity as are satisfactory to the contracting agency and the office of contract compliance. Whenever a contractor is required by state or federal law to furnish information to a state or federal contract compliance or equal employment opportunities agency under a state or federal program designed to secure nondiscrimination in employment by government contractors, such contractor may, in lieu of providing the office of contract compliance with the above-described information, provide said office with identical copies of current information supplied to such state or federal agency.

(Prior code § 2-303)

3.12.040 Compliance reports.

Each contractor having a contract containing the provisions prescribed in Section 3.12.020 shall file, and shall cause each of his subcontractors to file, with the office of contract compliance, such compliance reports as said office may direct. Compliance reports shall contain such information as to the employment pattern, policies, programs and employment policies, employment programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the office of contract compliance may prescribe.

(Prior code § 2-304)

3.12.050 Effect of labor agreements on ability to comply.

Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or any agency referring workers or providing or supervising apprenticeship or training for such workers the compliance reports shall include such information as to such labor union's or agency's practices and policies affecting compliance as the office of contract compliance may prescribe, provided that to the extent such information is within the exclusive possession of a labor union or an agency referring workers or supervising apprenticeship or training and

such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the office of contract compliance as part of its compliance report, and shall specifically state what efforts he has made to obtain such information.

(Prior code § 2-305)

3.12.060 Exemptions.

The office of contract compliance shall exempt a contracting agency from the requirement of, including any or all of the provisions of Section 3.12.020 in any specific contract, subcontract or purchase order: (1) involving less than twenty-five thousand dollars (\$25,000.00) or less than ten workers, or (2) to the extent that they involve subcontracts below the second tier. The office shall also provide by rule, regulation or order, for the exemption of facilities of a contractor which are in all respects separate and distinct from activities of the contractor related to the performance of the contract.

(Prior code § 2-306)

3.12.070 Duties of contracting agencies.

All contracting agencies shall comply with the rules, regulations and orders of the office of contract compliance in securing compliance, in all contracts and otherwise, with the provisions of this chapter and of the rules, regulations and orders of the office of contract compliance issued pursuant thereto. They are directed to cooperate with such office, and to furnish such office such information and assistance as it may require in the performance of its functions under this chapter. They are further directed to designate or appoint, from among the agency's personnel, compliance officers, each of whom shall, while serving in that capacity, work under the guidance of the office of contract compliance and furnish such office such information as it may require in order to effectuate the provisions of this chapter.

(Prior code § 2-307)

3.12.080 Conciliation.

Under rules and regulations prescribed by the office of contract compliance, the office of contract compliance shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this chapter by methods of conference, conciliation, mediation or persuasion before proceedings shall be commenced under subsection A of Section 3.12.100, or before a contract shall be canceled or terminated in whole or in part under subsection E of Section 3.12.100, for failure of a contractor or subcontractor to comply with the contract provisions of this chapter.

(Prior code § 2-308)

3.12.090 Investigation.

The office of contract compliance may investigate the employment practices of any government contractor or subcontractor to determine whether or not the contractual provisions of Section 3.12.020 have been violated. Such office shall also receive and investigate, or cause to be investigated, complaints by employees or prospective employees of a government contractor which allege discrimination in violation of the contractual provisions specified in Section 3.12.020, or in violation of state and federal anti-discrimination laws.

(Prior code § 2-309)

3.12.100 Sanctions.

In accordance with such rules, regulations or orders as the office of contract compliance may issue or adopt, the office of contract compliance may:

A. Recommend to the state commission on human rights and opportunities, the Federal Equal Opportunity Commission, the United States Department of Justice, or any other federal or state agency with power to do so, that appropriate proceedings to be instituted under the State Fair Employment Practices Act, or titles VI and VII of the 1964 Civil Rights Act, as amended when necessary;

B. Recommend to any federal agency charged with enforcing the provisions of any Presidential executive order dealing with contract compliance or affirmative action that appropriate proceedings be brought to enforce the provisions of such order, if applicable;

C. Recommend to the appropriate prosecuting authority that criminal proceedings be brought for the furnishing of any false information to any contracting agency or the office of contract compliance, as the case may be;

D. Cancel, terminate, suspend or cause to be canceled, terminated or suspended, any contract or purchase order, or any portion thereof, for failure of the contractor or subcontractor to comply with the nondiscrimination provisions of the contract or purchase order. Contracts may be canceled, terminated or suspended absolutely, or continuance thereof may be conditioned upon a program for future compliance and an affirmative action program approved by the office of contract compliance. No sanctions included in this section may be imposed until a finding of noncompliance with this chapter has been determined by the citizen's advisory committee on contract compliance after a hearing;

E. Use its best efforts, directly and through contracting agencies, other interested city, state and federal agencies, contractors and all other available instrumentalities, to cause any labor union engaged in work under city contracts, or any agency referring workers or providing for supervising apprenticeship or training for or in the course of such work, to cooperate in the implementation of the provisions of this chapter;

F. Publish, or cause to be published, the names of contractors or subcontractors or unions which have been found, after appropriate proceedings, to be in violation of this chapter or any rules, regulations or orders of such office.

(Prior code § 2-310)

3.12.110 Notification to comptroller.

Whenever a contracting agency, acting under the direction of the office of contract compliance, cancels or terminates a contract or purchase order pursuant to subsection D of Section 3.12.100, because of noncompliance with the contract provisions related to nondiscrimination, such contracting agency or the office of contract compliance, shall promptly notify the comptroller of the action. The comptroller may not authorize payment of any work performed or materials supplied after such notification. Any such action may be rescinded by the office of contract compliance, or by the contracting agency which imposed the sanctions, if the office of contract compliance so approves and directs.

(Prior code § 2-311)

3.12.120 Effect on other regulations.

The provisions of this chapter shall be deemed supplementary to, and not in lieu of, or in substitution for, any and all other city ordinances and other applicable state and federal laws, rules, regulations, orders and executive orders relating to nondiscrimination. Nothing in this chapter shall be deemed to be in opposition to or in contravention of any existing or future state or federal law, rule, regulation, order or executive order.

(Prior code § 2-312)

3.12.130 Minority business enterprise program.

A. Purpose. The purpose of this chapter is to:

1. Recognize the findings of the Disparity Study dated March 2005 conducted at the city's request;
2. Implement a race and gender-conscious program to correct historic discrimination in contracting for those groups identified in the Disparity Study;
3. Create a sheltered market program to benefit small, Bridgeport-based businesses by providing a pool of contracts for which they can compete on a fair basis; and
4. Take steps to reduce or eliminate aspects of the city's bidding and contracting processes that pose the

greatest difficulties for minority businesses and other small businesses and hinder their participation, prosperity and growth.

B. Definitions. All capitalized terms not defined in this chapter shall have the meanings assigned to them in Section 3.08.070, Purchasing procedure, unless the context otherwise requires.

"African American" means a Black American, including all persons having origins in any of the Black African racial groups not of Hispanic origin.

"American Indian" means a person having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

"Asian American" means an Asian American, including all persons having origins in any of the countries of the Asian continent, Southeast Asia, an Asian Pacific American and a Pacific islander.

"Business" means a business defined under "company."

"Certified" means an MBE, WBE or DBE contractor whose status as a member of a particular minority group classification has been established, certified or accepted for participation in any minority, disadvantaged or small business program by: (a) any state of Connecticut agency or quasi-governmental agency, (b) any other state governmental or quasi-governmental agency in another state, and (c) any governmental or quasi-governmental agency of any city, town, county or municipality in Connecticut or any other state, and which certified contractor otherwise possesses the experience, skills and resources to satisfy a city contract and/or contract category.

"City contract" for purposes of this chapter means any contract, purchase order, bid, quote or selection process involving work in the nature of construction (including new construction, rehabilitation, demolition and sitework), architecture and engineering, professional services, nonprofessional services, or goods.

"Company" means a business enterprise, including a corporation, partnership, joint venture, limited liability company, limited liability partnership or sole proprietorship.

"Compliance committee" means a committee established by the administrator to oversee the implementation of this chapter, compliance with its provisions, interpretations of its meaning and application, hearing and resolution of protests and complaints, and implementation of remedies and penalties, consisting of the administrator, a representative of the purchasing department, a representative of the city attorney's office, the city council's legislative director, and a representative from any city consultant engaged for purposes of implementation and/or compliance.

"Compliance reports" means those reports identified in this chapter prepared by the person or

department designated or otherwise prepared at the request of the administrator or his designee, including any city consultant engaged for such purpose, to track all phases of the program established by this chapter, including utilization of minority contractors and Bridgeport businesses, compliance by bidders and various participants in the implementation of or compliance with the program, outreach efforts, protests and complaints received and determined, enforcement actions taken, liquidated damages assessed, debarments and disciplinary actions recommended, and such other reports as the administrator may deem necessary or desirable.

"Contracting category" means contracts for construction, contracts for architecture and engineering, contracts for professional and nonprofessional services, and goods.

"Disadvantaged business enterprise" or "DBE" means an individual having a physical impairment that substantially limits one or more of the major life activities of the individual or who has a record of such an impairment that is certified.

"Due diligence criteria" for purposes of this chapter, means a fair and unbiased method by which a contracting officer obtains informal quotes when permitted by Section 3.08.070 from companies, including MBEs, WBEs and DBEs, such that bias, prejudice and discretionary practices by a contracting officer are minimized and city contracts are awarded in compliance with the requirements of this chapter.

"Evaluation credits" means, in a qualifications-based selection process, the assignment of ten additional points to applicable target groups when evaluating their qualifications and/or their proposals, based upon a uniform one hundred (100) point scoring system described in this chapter in order to arrive at a short-list of proposers so that target groups are not placed at a competitive disadvantage when competing with non-target groups.

"Formal" contracts means those city contracts that exceed twenty-five thousand dollars (\$25,000.00) and are required to be publicly advertised under Section 3.08.070.

"Good faith efforts" means a prime contractor's obligations to reach out through various means and methods described in this chapter to minority contractors to participate as subcontractors in connection with the prime contractor's intention to bid for a city contract, as more particularly described in subsection (G)(5) of this section.

"Hispanic American" means a Hispanic American, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

"Industry coding" means the contracting officer's determination of and the purchasing director's agreement with the industry classification codes assigned to a city contract prior to or at the time of bid to facilitate bidding, selection, implementation, compliance, monitoring and enforcement activities.

"Informal" contracts means those city contracts under twenty-five thousand dollars (\$25,000.00) that are not required to be publicly advertised under Section 3.08.070 of this title.

"Jobs funnel" means a community effort to provide opportunities for Bridgeport residents to receive life-skills training, job training, and job placement with building trades and companies doing business with the city or in the city of Bridgeport.

"Liquidated damages" means monetary penalties that can be assessed against a prime contractor or a minority contractor for violation of the requirements of this chapter, as more particularly described in subsection (G)(3) of this section.

"Minority business enterprise," "minority contractor" or "MBE" means a minority-owned business, including minority female-owned business enterprises, the latter sometimes referred to herein as a "WMBE" that demonstrates at least fifty-one (51) percent of the ownership held by a person(s) who is a member of a racial minority group, and who exercises operational authority over the daily affairs of the business, has the power to direct policies and management, and receives beneficial interests of the business that is certified. In some cases use of the term "minority contractors" or "MBEs" may include WBEs, WMBEs and DBEs where the context requires.

"Outreach and marketing program" means a city program operated by the administrator, or his designee, including any city consultant engaged for that purpose, to attract and promote the inclusion of new and existing minority contractors into the city bidding and contracting process, including soliciting businesses to bid for city contracts and become city contractors, advertising contracting opportunities especially in media outlets sensitive to minority interests, hosting open houses, registration and networking events, arranging training opportunities, facilitating partnering with companies, and identifying agencies and for-profit and not-for-profit organizations interested in fostering the capacity and effectiveness of minority businesses, and the like.

"Prime contractor" means a nonminority contractor that seeks or obtains a city contract.

"Program administrator" or "administrator" means the city's chief administrative officer or his designee, including any city consultant engaged for implementation purposes or the compliance committee.

"Project labor agreement" or "PLA" means one (or more) agreements sought for and arranged by the city on appropriate projects or programs such as the new schools construction program to ensure the creation of trade apprenticeships and other job opportunities for Bridgeport residents in accordance with the goals of this chapter.

"Prompt payment directive" means the city's commitment to a prompt payment process developed by the administrator, director of finance and the director of information technology for: (a) all prime contractors employing minority contractors as subcontractors, and (b) all minority contractors to ensure that the city pays complete invoices in a maximum of thirty (30) days if to a prime contractor and a

maximum of fifteen (15) days if to a minority contractor, except for any portions of such invoices about which there exists a legitimate dispute.

"Self-perform" means that a certified MBE, WBE or DBE contractor, whether a prime contractor or a subcontractor, performs thirty (30) percent of the value of its work (exclusive of materials and equipment) using its own forces and resources as determined by monthly payrolls.

"Sheltered market program" means a city program developed by the administrator or his designee, including any city consultant engaged for that purpose, and the director of purchasing that creates a pool of various city contracts for SLBEs in contracting categories in which SLBEs are available that ensures fair competition for city contracts taking into account the relative sizes and resources of SLBEs so that SLBEs compete for city contracts against other SLBEs of similar size and resources.

"Small local business enterprise" or "SLBE" means a business enterprise having its principal office in Bridgeport and a business license, and either less than five million dollars (\$5,000,000.00) in annual sales or fewer than twenty (20) employees.

"Subcontractor substitution" means a prime contractor's request to substitute or replace a minority contractor listed or identified prior to the time of award and upon which the award was made, which can only be accomplished with the administrator's, or his designee's, including a city consultant engaged for that purpose, or the compliance committee's prior written consent after written notice from the prime contractor to the administrator, with a copy to the subcontractor, both the prime contractor and the subcontractor having a right to be heard, and such a substitution must be based on good cause shown in accordance with a process established by the administrator or the compliance committee.

"Target groups" means those racial or gender groups identified in the Disparity Study that experienced historic discrimination in city contracting to such a degree that this chapter provides race and gender-conscious remedies such as set-asides, percentage attainable goals, evaluation credits or other preferences.

"Voluntary programs" means those program activities described in this chapter and other activities implemented in the future by the administrator or his designee, including any city consultant engaged for that purpose, that are designed to encourage and develop minority contractors and SLBEs, provided that such activities are legally permissible without the need to establish historic discrimination and are essentially neutral as to all types of small business enterprises, including but not limited to the creation of a sheltered market program, the adoption of project labor agreements, the creation of a jobs funnel, etc.

"Waiver" means the request for relief from a requirement of this chapter, satisfactory to the program administrator or the compliance committee, that the prime contractor's good faith efforts to identify a minority contractor or a target group, as required by this chapter, did not result in meeting at least fifty (50) percent of the requirements or goals of this chapter in spite of the prime contractor's good faith

efforts to achieve compliance.

"Women business enterprise" or "WBE" means a women-owned business enterprise contractor who is not a member of a racial minority group and whose legal existence has been established for at least one year prior to the time of bid.

C. Guiding Principles.

1. It is important to implement the principles and goals of this chapter in a way that encourages the participation of MBE, WBE and DBE contractors in the city contracting process while at the same time being fair and avoiding unreasonable burdens on other contractors that are not members of such groups.

2. It is important to implementation and compliance that participants in the city contracting process, whether prime contractors, subcontractors, MBEs, WBEs, DBEs, and city officials, employees and agents, be discouraged in various ways and penalized for noncompliance, efforts to avoid or subvert, or assist others in such efforts, or to appear to be in compliance with the important principles and goals of this chapter by the use of strategies, devices, ploys and other improper means.

3. It is important in the implementation and compliance process to understand that this chapter serves as an important tool in the revitalization of the city's economy, including the encouragement, development and success of Bridgeport companies and the employment of Bridgeport residents.

4. A prime contractor who is a certified MBE, WBE or DBE and meets the other requirements of this chapter such as the obligation to self-perform, is, by definition, in compliance with the principles and goals of this chapter.

D. Establishment of Race and Gender-Conscious Remedies.

1. Formal Prime Contract Remedies.

a. Competitive Bids. An attainable goal of thirty (30) percent of the aggregate dollar value of each formal city contract (goal of fifteen (15) percent of the contract value to MBEs and goal of fifteen (15) percent to WBEs).

b. Qualifications-Based Selections. An attainable goal of thirty (30) percent of the aggregate dollar value of a city contract is established for prime contractor utilization of certain target groups during QBS processes. For purposes of this subsection, the target groups that should receive evaluation credits are:

i. City contracts for construction professionals: African Americans, Hispanic Americans, MBEs, and minority female and Caucasian female minority business enterprises.

ii. City contracts for architecture and engineering professionals: Asian Americans, Hispanic Americans,

and Caucasian females.

iii. City contracts for other professional services: Asian Americans, Hispanic Americans, Caucasian females, MBEs, and minority female and Caucasian female minority business enterprises.

iv. City contracts for goods and nonprofessional services: African Americans, Caucasian females, MBEs, and minority female and Caucasian female minority business enterprises.

2. Informal Prime Contract Remedies.

a. An attainable goal of thirty (30) percent of the aggregate dollar value of each informal city contract (goal of fifteen (15) percent of the contract value to MBEs and goal of fifteen (15) percent to WBEs).

b. Since informal city contracts awarded to prime contractors are not usually publicly advertised and tend to be awarded by individual contracting officers after informal quotes are obtained, MBEs do not participate sufficiently in city contracts to the extent that they can build experience, become better equipped to provide goods and services to the city, and circulate procurement dollars within the city's tax base. The administrator and the director of purchasing shall implement due diligence criteria for contracting officers and standardize the process for identifying, documenting and selecting target groups for the award of informal city contracts to minimize discretionary or prohibited practices.

For purposes of this subsection, the target groups are:

i. City contracts for construction: African Americans, Hispanic Americans, and MBEs.

ii. City contracts for architecture and engineering services: Hispanic Americans, Caucasian females, MBEs, and minority female and Caucasian female business enterprises.

iii. City contracts for professional services: African Americans, Asian Americans, Hispanic Americans, Caucasian females, MBEs, and minority female and Caucasian female minority business enterprises.

iv. City contracts for goods and nonprofessional services: African Americans, Caucasian females, MBEs, and minority female and Caucasian female minority business enterprises.

3. Disparity in Construction Subcontracting Remedy.

a. In addition to the attainable goal of thirty (30) percent of the aggregate dollar value for formal city contracts and the attainable goal of thirty (30) percent for informal city contracts, a mandatory requirement of six percent of the aggregate dollar value of formal and informal construction subcontracts is established for prime contractor utilization of certified African American businesses who self-perform and meet the other requirements of the bid. African-American businesses constitute the

target group for purposes of this subsection.

b. The administrator or his designee, including any city consultant engaged for this purpose, and the director of purchasing will create a registration system that will collect business information, construction trade classification, size, capacity and other characteristics for African American contractors. City contracts for construction subcontracting reserved for African American contractors shall be based on such registry and shall be revised on an annual basis to accommodate the registration of new African American contractors in the construction trades.

c. The inability of a prime contractor to meet the mandatory six percent African American requirement of this subsection may be permitted only upon the administrator's grant of a waiver for good cause shown in accordance with this chapter. If a waiver is not granted, all or portions of the work shall be re-bid if feasible and practical or the administrator shall assign work in a fair and unbiased manner to contractors previously identified and participating in the program created by this chapter who are certified, self-perform and meet the other requirements of the bid. This mandatory requirement and a study of the general utilization of minority contractors shall be revisited in ten years from the date of the Disparity Study.

4. Sheltered Market Program for SLBEs.

a. An attainable goal of thirty (30) percent of the aggregate dollar value of city contracts to SLBEs for city contracts determined to be appropriate for the city's sheltered market program. Such attainable goal shall be implemented without regard to the minority, female or disadvantaged status of any SLBE. The administrator or his designee, including any city consultant engaged for such purpose, and the director of purchasing shall determine in which contracting categories SLBEs are available to bid for city contracts and shall bid such contracts to SLBEs in a manner that ensures fair competition, taking into account the relative sizes of available SLBEs so that SLBEs compete for such city contracts against other SLBEs of similar size.

b. This program will enable such SLBEs to build experience, become better equipped to provide goods and services to the city, and circulate procurement dollars within the city's tax base. In order to identify the SLBEs interested in obtaining city contracts, the administrator or his designee, including any city consultant engaged for such purpose, and the director of purchasing will create a registration system that will collect SLBE business information, industry classification, size in terms of annual sales, capacity, workforce size, equipment and other characteristics. The city contracts sought to be awarded to SLBEs in the sheltered market program shall be based upon such registry and shall be revised on an annual basis to accommodate the registration of new SLBEs. All SLBEs on the registry shall receive procurement notices for the city contracts reserved for the sheltered market according to each SLBE's industry coding and according to their availability and their experience, skills and resources to satisfy a city contract and/or contract category.

c. SLBEs are not required to meet MBE, WBE or DBE goals established by this chapter for city

contracts that are not included in the sheltered market program, but are nevertheless encouraged to utilize MBE, WBE and DBE subcontractors where possible.

E. Establishment of Best Practices. For purposes of implementing the city's program, the administrator will ensure that best management practices are employed to improve MBE, WBE and DBE access to and participation in city contracts. The following practices focus on pre-award and post-award efforts and are intended to benefit all minority contractors and SLBEs interested in contracting with the city. Best practices include, but are not limited to, the following:

1. Identification of Specific Subcontractors is Required and Substitutions May Not be Made Without Good Cause Shown. Prime contractors must either identify subcontractors at the time of bid submission or indicate that they intend to meet the goals established for such contract. Following receipt of a notice of intent to award, a prime contractor must identify such subcontractors, the dollar value of each subcontractor's work, and those subcontractors may not be substituted without good cause being shown in accordance with this chapter. The administrator will determine whether good cause has been shown for the substitution of the subcontractor and shall be guided by the principles and goals of this chapter and any applicable industry standards in the contract category involved.

2. Creation of a Uniform System for Posting Procurement Notices. The administrator or his designee, including any city consultant engaged for such purpose, the director of purchasing and the director of information technology shall establish a uniform system for posting notices of city contracts that includes posting minority contracting opportunities in the purchasing department, providing computer stations available to the public in the purchasing department for contracting opportunities, registration, placing bids, etc., placing newspaper notices, website posting, fax notification, email notification and/or any combination thereof with other methods. Sufficient time should be permitted between bid posting and bid opening so that prime contractors are able to make good faith efforts to recruit minority contractor participation.

3. Unbundling of City Contract Opportunities into Smaller Contracts Where Feasible. Where practical and feasible, contracting officers seeking to bid city contracts should make every effort to unbundle contracts into separate parts of the work (including labor, materials, equipment, etc.) in a way that is practical, manageable, efficient and cost-effective, in a way that balances such concerns with the goal of maximizing the ability of MBEs to participate as subcontractors or as prime contractors themselves.

4. Revising Bonding Requirements. The administrator and the city attorney shall develop a policy to reduce or eliminate to the extent practical and feasible the bonding requirements from MBEs, WBEs and DBEs for city contracts, including for example the establishment of a contingency in the budget for the work to cover the costs and consequences of a minority contractor's failure to complete, that balances the city's concerns about job completion, risks and potential liabilities, and other legal concerns with this chapter's desire to ensure that bonding requirements do not constitute an unreasonable obstacle to participation, including the creation of a contingency fund in the budget for particular city contracts to cover the cost of complete and consequences resulting from a minority contractor's failure to perform.

5. **Phased Release of Bonding and Retainage.** The administrator and the city attorney shall develop a policy and procedure, when practical and feasible, to work with prime contractors to permit periodic releases of an MBE's, WBE's or DBE's performance bond, where subcontractor bonds are required by the prime contractor, and to release retainage upon satisfactory completion of portions of such subcontractor's work so long as the prime contractor is satisfied with the quality and completion of such work. Prime contractors may not create retainage greater than five percent of the value of a minority contractor's portion of the work, but may create retainage up to ten percent in other cases according to industry standards and practices not in violation of law. Such policy and procedure shall not include the periodic release of payment bonds, since such bonds are created to protect the interests of other subcontractors or sub-subcontractors.

6. **Adopt a Prompt Payment Procedure to Assist MBEs Prohibition of "Pay When Paid" Clauses in Certain Contracts.** The administrator and the director of finance shall develop a prompt payment procedure that prioritizes payments to minority contractors and the prime contractors for whom they may be working. Such procedure shall provide for the payment of complete invoices to a prime contractor that utilizes minority contractors in a maximum of thirty (30) days after receipt, elimination of any "pay when paid" clause in the prime contractor's contracts with minority contractors, and a requirement that prime contractors shall pay minority contractors within fifteen (15) days of the receipt of complete invoices. In all cases, payments in accordance with this paragraph are not required within such timeframes for invoices or portions thereof about which there exists a legitimate dispute until such dispute is resolved.

7. **Adoption of Protest Procedures.** The administrator and the city attorney shall develop protest procedures when contractors, whether prime contractors or minority contractors, or other persons wish to challenge a bid, contract award, grant or denial of a waiver, release of retainage, and other complaints that may arise in the interpretation, implementation, monitoring and compliance activities of this chapter, and such procedures may be similar to the bid protest procedures adopted by the board of public purchases pursuant to Section 3.08.070 of this title. Such protests shall be heard and determined by the compliance committee.

8. **Collection of Monthly Records Preparation of Compliance Reports on a Regular Basis.** In order to determine the program's level of success and to address any problems that may result in the implementation of the program described in this chapter, monthly records will be available for review in the department of purchasing, and the administrator or his designee, including any city consultant engaged for such purpose, shall prepare quarterly utilization reports at the end of the months of October, January, April and July in each fiscal year for submission to the mayor and the legislative director of the city council. Such compliance reports shall include reports on minority contractor availability and utilization, employment of minority contractors, creation of apprenticeships and employment opportunities for Bridgeport residents on projects covered by project labor agreements, nature and results of bid protects, instances of noncompliance by prime contractors, minority contractors, city employees and others involved in the program.

9. Establishment of Outreach and Marketing Program. The administrator or his designee, including any city consultant engaged for such purpose, shall develop an outreach and marketing program that includes developing a tag line and print materials for an outreach campaign, creating procedures for distributing forecasts of contracting opportunities, developing arrangements with public and private agencies and organizations to disseminate information about the program described in this chapter, and conducting periodic program monitoring and evaluation as required by this chapter. This program will create a resource listing existing and new minority contractors that contains the contracting category, minority group affiliation, target group membership, experience, resources, size, equipment and other relevant information for each. Such program will also include a notification process to ensure that minority contractors and target group members obtain a timely notification designed to reach them, and sufficient time and opportunity to submit bids, quotes, qualifications or proposals to prime contractors who plan to bid for city contracts.

10. Award of City Contract to Minority Contractor Where It Was Not the Low Bidder. A minority contractor may be awarded the city contract even though it was not the low bidder in a competitive bid or competitive proposal when the prime contractor has not substantially achieved (i.e., achieved at least fifty (50) percent of) the goals set forth in this chapter applicable to such contract:

a. In a bid for an informal contract, if the minority contractor's bid is within ten percent of the low bid submitted by a prime contractor or, if greater than ten percent of the low bid, the minority contractor agrees to accept the city contract for no greater than ten percent above the low bid.

b. In a bid for a formal contract, if the minority contractor's bid is no greater than the percentage above the low bid submitted by a prime contractor stated below or, if greater than the percentage of the low bid stated below, the minority contractor agrees to accept the city contract for an amount no greater than the percentage above the low bid stated below:

i. If the minority contractor's bid is no greater than ten percent above the low bid and the low bid is one hundred thousand dollars (\$100,000.00) or less;

ii. If the minority contractor's bid is no greater than seven percent above the low bid and the low bid is five hundred thousand dollars (\$500,000.00) or less; or

iii. If the minority contractor's bid is no greater than five percent above the low bid and the low bid is one million dollars (\$1,000,000.00) or less.

c. Notwithstanding anything contained in this subsection to the contrary, if the bid or proposal requests quotes for base work and quotes for alternate additions or deductions, all bids must be analyzed on a fair and equitable basis without manipulation of the base bid and the alternate bids in such a way that makes the calculation of the low bid suspect or questionable in violation of the principles of this chapter.

11. Uniform Scoring System for QBS Processes. The administrator and the city attorney will develop a

uniform one hundred (100) point system for use in qualifications-based selection processes. Target groups determined in accordance with this chapter for the contracting category involved will be entitled to an additional ten points above the score that they receive as a result of the one hundred (100) point system in determining whether they are part of the short list of contractors arrived at for purposes of making a final selection. The final selection shall then be made in the ordinary course of making a qualifications-based selection.

12. Adoption of Due Diligence Criteria for Informal Bids. In bids for informal contracts, the administrator and the purchasing director shall develop due diligence criteria for contracting officers so that informal contracts are awarded in a fair and unbiased method. Contracting officers may only make recommendations to the purchasing department for the award of an informal contract in order to minimize discretionary practices and to ensure that the goals of encouraging awards to minority contractors and SLBEs in accordance with this chapter.

F. Priority of Federal and State Minority Business Award Criteria. Often, with regard to federal and state funding of loans and grants, such governments require their own criteria and goals for awarding contracts to MBEs, WBEs and DBEs when federal or state dollars, respectively, are used to procure the goods or services desired. Recipients of federal and state funds are often required to implement measures to ensure equitable minority contracting whether a disparity was found or not. Therefore, notwithstanding anything contained in this chapter to the contrary, any requirements of federal or state governments relating to the award of contracts to SBEs, MBEs, WBEs, MWBEs or DBEs shall govern over any inconsistent provision of this chapter.

G. Compliance Good Faith Efforts Penalties Miscellaneous.

1. Compliance with and good faith adherence to the requirements of this chapter by prime contractors, minority contractors, city officials and employees, and others involved in the city contracting process is mandatory, except where otherwise provided or permitted by this chapter.

2. No scheme, strategy, ruse, artifice, collaboration, passthrough or other device to make it appear that compliance with this chapter has been achieved or to avoid compliance with this chapter is permitted.

3. Any prime contractor, minority contractor or other company involved in city contracting that violates this chapter, avoids, or attempts to avoid the implementation of this chapter or any of its requirements, goals, principles or practices, including implementation plans that may be adopted, shall be subject to debarment under the provisions of Section 3.08.090 of this title. The administrator or his designee, including any city consultant engaged for such purpose, or the compliance committee, with the advice of the city attorney, may direct that payment to prime contractors or minority businesses involved in a city contract be withheld until any violation of this chapter has been corrected, or may deduct any monetary penalty from any monies that the city owes to such contractor, without the city incurring any additional cost, charge, interest or other fee from the company committing the violation. The city may also impose and collect liquidated damages in the amount of two hundred dollars (\$200.00)/day for each day that a

violation has been committed and continues ("liquidated damages"), unless the company proves and the administrator finds that mitigating or extenuating circumstances to exist, in which case such liquidated damages may be reduced in the administrator's discretion. Such liquidated damages may be imposed because of the difficulty and expense of attempting to quantify the value and assess the damage done to the program adopted under this chapter, and all companies submitted bids or proposals for city contracts shall be deemed to understand and accept the imposition of liquidated damages for violations of this chapter. The administrator shall use liquidated damages that are collected to fund outreach and educational efforts under this chapter.

4. Any city employee deemed by the administrator or his designee, including any city consultant engaged for such purpose, or the compliance committee, with the advice of the city attorney, to have violated this chapter in an intentional or grossly negligent manner or who has avoided or attempted to avoid, or to have assisted or encouraged a company to avoid or attempt to avoid, the implementation of this chapter or any of its requirements, goals, principles or practices, including implementation plans adopted, shall be recommended for progressive disciplinary action within such employee's department and if necessary with the involvement of the city department of labor relations, subject to the terms of any collective bargaining agreement that applies.

5. **Mandatory Good Faith Efforts Waivers Exceptions.** A prime contractor has the burden to demonstrate at the time of receipt of a notice of intent to award a city contract, and before the contract is awarded, that it is committed to and will be able to achieve the goals and requirements of this chapter. If, however, the prime contractor believes that it cannot achieve the goals and requirements of this chapter, it must demonstrate that it has (a) completed good faith effort No. 1 below and has met at least two of good faith efforts Nos. 2 through 7 identified below (collectively, "good faith efforts") to the reasonable satisfaction of the administrator or his designee, including any city consultant engaged for such purpose, or the compliance committee in order to justify a waiver of the requirements of this chapter involved in the particular situation. Good faith efforts are:

No. 1 **City Website and Newspaper Notice.** Publish a notice seeking subcontractors on the city's purchasing website and an advertisement (one column inch minimum) in the Saturday edition of the Connecticut Post, in the public notices section, entitled "Bridgeport Minority Contracting Opportunity" in bold lettering describing the type or types of work, services, equipment, goods or supplies being sought, and the name, address and telephone number of the prime contractor's contact person having knowledge of the subcontracting work being sought within a reasonable time prior to the time of submission of each bid, quotation or proposal.

No. 2 **Written Notices to Business Associations or Agencies.** The prime contractor shall send written notices to at least two business associations or development agencies, profit or nonprofit, that represent or are associated with the interests of minority contractors and who disseminate bid opportunities and other information to minority contractors, so long as such notices are sent within a reasonable time prior to the deadline for the submission of each bid, quotation or proposal. Such notices shall describe the types of work, services, equipment, goods or supplies being sought, and the name, address and telephone

number of the prime contractor's contact person having knowledge of the subcontracting work being sought. The prime contractor shall make every reasonable effort to respond to the inquiries and information requests of minority contractors within a reasonable time prior to the time of submission of each bid, quotation or proposal.

No. 3 Searching Available Databases and Lists of Minority Contractors. The prime contractor shall take steps to identify minority contractors in the contracting category doing the type of work sought in connection with the city contract from lists available from the purchasing department, on the city's purchasing website or other internet websites, or at other locations.

No. 4 Obtaining Quotes from Available Minority Contractors. The prime contractor shall obtain written quotes from minority contractors that we rejected for good cause because of cost, quality, experience, availability, responsibility, resources, equipment, lack or inadequacy of bonding or insurance, and the like.

No. 5 Attempts to Enter Into Joint Ventures or Other Arrangements with Minority Contractors. The prime contractor shall demonstrate its attempts to enter into joint ventures or other business arrangements with minority contractors not in violation of this chapter to perform portions of the work, to supply materials, and the like, and shall document all actions taken in that regard, including, where appropriate, the reasons for the failure or rejection of such efforts.

No. 6 Placing Advertisements in Minority Business Media Outlets. The prime contractor shall advertise in media outlets associated with or likely to reach minority contractors at least two times within a reasonable time prior to the date for submission of the bid, quotation or proposal for the city contract involved that includes a reasonable time for minority contractors to provide quotes.

No. 7 Other Efforts Particular to the Bid. The administrator may approve other good faith efforts that can be made in connection with a particular bid.

6. Exemptions Waivers.

a. The following procurements are exempt from the application of this chapter:

i. Qualified purchases, emergency purchases, or purchases from federal, state, regional or other cooperative bidding arrangements.

ii. Bids that are otherwise exempted from competitive bidding or procurement requirements under the city's purchasing ordinance or city charter, for example, the selection of bond underwriters for the sale of city general obligation bonds.

b. When a prime contractor is unable to meet at least fifty (50) percent of the goal established for a

particular city contract, the administrator or his designee, including any consultant engaged for that purpose, or the compliance committee, may grant a waiver if the prime contractor can demonstrate either that:

- i. Its workforce includes thirty (30) percent Bridgeport residents;
 - ii. It will hire only Bridgeport residents for jobs the prime contractor identifies will be created as a result of the city contract; or
 - iii. That it has a good record of hiring minority contractors in the two-year period prior to the city bid but has been unable to utilize minority contractors for the city contract for good cause shown.
- c. Other work for which the administrator determines that there are no minority contractors registered, available or qualified to bid on such work.
- d. Any waiver request and all supporting documentation and must be submitted to and accepted by the administrator prior to the contract being awarded.

7. Prohibition Against Double-Counting. Minority contractor participation in a city contract may not be double-counted in calculating whether the percentage goal has been met. If, for example, a minority contractor is also a minority female contractor, in calculating the prime contractor's compliance with the attainable goal, the minority contractor's portion of the contract may be calculated only in terms of the aggregate value of its portion of the contract work as a percentage of the total contract work.

8. Implementation Timetable. The administrator has discretion to determine the applicability of this chapter to city contracts that are close to being awarded and those that will be awarded soon after passage for purposes of feasibility and practicality.

(Ord. dated 7/2/07: Ord. dated 6/19/06 (part); Ord. dated 4/3/06: Ord. dated 11/7/05)

Chapter 3.16

PROPERTY TAXES

Sections:

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3.16.180 Abatement for surviving spouses of police officers and firefighters.

Article I. In General

3.16.010 Property tax waiver.

Pursuant to Public Act 75-489, effective July 1, 1975, the common council does waive any property tax due in an amount of less than five dollars (\$5.00).

(Prior code § 28-1)

3.16.020 Tax exempt properties.

A. Pursuant to Section 12-81b of the Connecticut General Statutes, the tax assessor is authorized to make effective as of the date of acquisition of the property, the exemption from taxes such property may be eligible for in accordance with Connecticut tax laws upon proper and complete submission of all necessary documentation by the eligible applicant to the city tax assessor within ninety (90) days of purchase.

B. In the event the applicant's documentation is not received within ninety (90) days of the date of acquisition, the tax assessor shall make effective the exemption the following October 1st. In the event the applicant's documentation is submitted after October 1st next following the date of acquisition, the tax assessor shall make the date of submission the effective date of the exemption.

C. In no event shall any exemption granted as provided for in this section be applied to taxes accrued more than one year prior to the date of submission.

D. Claims currently pending as of the date of enactment of the ordinance codified in this section may be considered for purposes of this chapter.

E. The tax assessor and/or tax collector shall set forth the procedure for granting reimbursement of prepaid taxes together with the abatement of unpaid taxes pursuant to this section.

(Ord. dated 4/4/94: prior code § 24-185)

3.16.025 Property tax exemption for persons who are blind.

Pursuant to Connecticut General Statutes 12-81j an additional tax exemption of two thousand dollars (\$2,000.00) is hereby authorized for blind persons provided:

1. Such persons are entitled to an exemption from property tax applicable to the assessed value of the property under subdivision (17) of Section 12-81 of the General Statutes.
2. Such person's adjusted gross income, as determined for purposes of federal tax plus any other income for the calendar year ending immediately preceding the assessment date with respect to which such additional exemption is allowed, for purposes of determining eligibility for such exemption, qualifying income may not exceed the maximum allowed pursuant to Connecticut General Statutes Section 12-81j, as qualified by Connecticut General Statutes Section 12-811 and Section 120-170aa(b).
3. Any person who desires to claim this exemption shall file an application with the assessor, in a form provided prior to, the date of the assessment list with respect to which such additional exemption is claimed. Each applicant shall provide appropriate income documentation as the assessor may require for the approval of a claim for such additional exemption.

(Ord. dated 10/18/99)

3.16.030 Tax exemption Nonprofit organization.

Pursuant to the authority set forth in Section 12-81(58) of the General Statutes of Connecticut, as amended, real property shall be exempt from property tax provided all of the following requirements are met:

- A. The real property is owned by a charitable, religious or nonprofit organization, exempt from federal income tax;
- B. The real property, or a portion thereof, is leased to a charitable, religious or nonprofit organization, exempt from federal income tax (the "lessee");
- C. The portion of the real property that is leased to the lessee is used exclusively for the purposes of the lessee;
- D. The tax assessor shall provide the council with a report every six months stating the impact to the city from this tax exemption;
- E. More than twenty (20) percent of the real property is being used exclusively by the lessor for exempt purposes as outlined in the lessor's filing with the assessor;
- F. The tax assessor shall report annually, on or about the month of July, upon the fiscal impact of this chapter; and it is the intention of the city council to periodically review and assess this chapter for purposes of further amendment and/or revocation. The public is hereby expressly noticed to not rely upon this chapter continuing to be in effect in its current form for any particular period of time.

Nothing in this chapter shall relieve the lessor or lessee from their obligations and rights as outlined in Title 12 C.G.S., nor shall this chapter in any way limit the assessor's authority as provided in Title 12 C.G.S.

(Ord. dated 11/6/06: Ord. dated 9/3/02: Ord. dated 5/21/90: prior code § 28-5)

3.16.040 Tax exemption Solar energy systems.

A. Pursuant to subsection (56) (a) (b) (c) of Section 12-81 of the General Statutes (Public Acts No. 74-409) of the state of Connecticut to wit:

1. Subject to authorization of the exemption by ordinance in any municipality, any building or addition to a building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating or cooling system, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, provided this exemption shall only apply to the first fifteen (15) assessment years following construction of such building or addition.

2. As used in this section, "solar energy heating or cooling system" means equipment, including windmills and waterwheels, which provides for the collection, transfer, storage and use of solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which meets standards established by regulation by the commissioner of planning and energy policy.

3. Any person who desires to claim the exemption provided in this section shall file with the assessor or board of assessors in the city in which such real property is located, within thirty (30) days following the annual assessment date, written application claiming such exemption on a form as prescribed by the tax commissioner. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

B. A property tax exemption for solar energy heating or cooling systems is authorized.

(Prior code § 28-2)

3.16.050 Veteran's additional tax exemption.

The common council of the city does approve, ratify and confirm in all respects the adoption of Public Act No. 82-318 which enables municipalities to allow veterans an additional exemption from property tax if qualified under certain income requirements.

(Prior code § 2-210)

3.16.055 Tax exemption Motor vehicles equipped for persons who are handicapped.

Pursuant to Connecticut General Statutes Section 12-81c, an exemption from personal property taxation for any motor vehicles that has been specially equipped or modified for the exclusive purpose of transporting handicapped or medically incapacitated persons except when such vehicles is used for payment. For purposes of this section, vehicles owned by private nursing homes or similar health organizations are not exempt on the grounds that said organization are paid for such services.

A vehicle is deemed to have been specially equipped or modified for transporting handicapped or medically incapacitated persons if the vehicle is registered in the name of a person with a state of Connecticut handicapped parking permit and alterations to the vehicle include one or more of the following: special hand controls, lifts, ramps, special seating or stretchers, significant modifications to accommodate medical equipment such as oxygen or mechanical respirators or other similar significant alterations.

Persons desiring such exemption shall make application to the city tax assessor for determination whether an exemption is permitted.

(Ord. dated 5/7/07)

3.16.060 Tax deferment for installation of improvements designed to aid the handicapped.

Pursuant to authority granted in Section 12-65G of the Connecticut General Statutes, the tax assessor is authorized to enter into a written agreement with an owner of any real property who agrees to improve, rehabilitate or renovate any existing building therein to meet the standards of design and construction of the state building code to accommodate physically disabled persons, as set forth in article 21 of the state building code, to fix the assessment on such property as of the date of the agreement for a period of not longer than five years and to defer any increase in assessment attributable to such improvement, rehabilitation or renovation during such period, provided: (1) the agreement shall be approved by the local building official, and (2) such improvement, rehabilitation or renovation shall be completed not later than three years from the date of the agreement and, upon completion, shall be subject to inspection and certification by such building official as being in conformance with the applicable provisions of such code. This authorization applies only in situations where said owner is not required by any federal, state or local law or ordinance to make said improvements, rehabilitation or renovation.

(Prior code § 28-3)

Article II. Real Property Tax Relief for Senior Citizens

3.16.070 Transfer of state tax relief program for the elderly.

Pursuant to subsection (b) of section 4 of Public Act 82-322, the responsibilities and duties relative to the administration of the state tax relief program for the elderly shall be, and they are, transferred from the municipal assessor's office to the department on aging.

(Prior code § 28-4)

3.16.080 Homeowner's taxes Billing on quarterly basis.

Any homeowner who is eligible for property tax relief pursuant to Section 12-129b or 12-170aa of the Connecticut General Statutes may pay such homeowner's taxes in quarterly, rather than semiannual, installments as provided in Section 16 of Connecticut Special Act 88-80, as amended by Section 9 of Connecticut Special Act 89-47. Upon a determination by the Bridgeport tax assessor that such homeowner is qualified for tax relief under Section 12-129b or 12-170aa, the Bridgeport tax collector shall bill such homeowner for his or her real property taxes on a quarterly basis and such taxes shall be due and payable in quarterly installments on July 1st, October 1st, January 1st and April 1st of each year rather than in semi-annual installments on July 1st and January 1st. This section shall be effective for the fiscal year beginning July 1, 1990.

(Ord. dated 2/5/90)

3.16.090 In general.

The city enacts tax relief for elderly real property owners pursuant to Section 12-129(n) of the General Statutes of the state of Connecticut for eligible residents of the city for the fiscal year commencing July 1, 1987 and each ensuing fiscal year on the terms and conditions provided in this article. Wherever herein reference is made to the General Statutes of the state of Connecticut, reference shall be to the statutes cited, any amendments thereto or any successor statutes, as may be applicable to this article. All relevant General Statutes of the state of Connecticut are incorporated in this article so far as they may be applicable and in the event of any discrepancy between this article and any General Statute the General Statute shall control and this article shall not be invalid but shall be deemed to be in conformity with that General Statute.

(Prior code § 28-31)

3.16.100 Eligibility.

Pursuant to Section 12-129n of the General Statutes of the state of Connecticut, any resident of the city who owns real property in the city or who is liable for the payment of taxes thereon under Section 12-48 of the Connecticut General Statutes and occupies that property as his or her principal residence shall be eligible for the real property tax relief set forth in this article provided they meet all of the following

conditions:

A. At the close of the calendar year next preceding the year in which the claim for tax relief is filed and approved such resident shall be sixty-five (65) years of age or over; or the spouse of such resident shall be sixty-five (65) years of age or over; or such resident shall be sixty (60) years of age or over and the surviving spouse of a taxpayer who qualified in Bridgeport under this article at the time of his or her death;

B. Such resident or his or her spouse has resided in a residence located in the city and has paid taxes to the city for a period of one year immediately preceding July 1st of the fiscal year for which the person shall receive the real property tax relief as set forth in this article; and

C. During the calendar year preceding the year in which application is made for the tax relief under this article, such resident and his or her spouse together shall not have an income in excess of the maximum income for eligibility for the program of tax relief under Chapter 204a of the Connecticut General Statutes Sections 12-170aa et seq. determined under that chapter and statutes or any amendments thereto.

(Prior code § 28-32)

3.16.110 Real property tax relief and maximum.

Each resident qualifying under this article shall receive a tax credit of eight hundred dollars (\$800.00) on such resident's real property tax bill for his or her principal residence in the city; provided, no such property tax relief, together with any relief received by such resident under the provisions of all applicable General Statutes of the state of Connecticut, shall exceed, in the aggregate, seventy-five (75) percent of the tax which would, except for such General Statutes, and this article, be laid against the taxpayer.

(Ord. dated 7/3/06: Ord. dated 6/20/05: Ord. dated 9/4/01: prior code § 28-33)

3.16.120 Application for real property tax relief.

Any resident seeking tax relief under this article, or his or her authorized agent or duly appointed representative, must file an application for real property tax relief under this article, in such form as may be required by the tax assessor, on or before June 30, 1987 for the fiscal year beginning July 1, 1987 and thereafter on or before June 15th immediately preceding the fiscal year in which the resident seeks such tax relief and shall provide to the tax assessor such documents, including, but not limited to, federal income tax returns or authorization to secure same, as the tax assessor may deem necessary to determine whether or not the resident qualifies for the real property tax relief granted in this article. Once an applicant is determined to be eligible for the real property tax relief granted in this article he or she shall, thereafter, file an application on a biennial basis unless the tax assessor determines otherwise in order to

determine if the applicant meets the eligibility requirements of this article.

(Ord. dated 9/6/88: prior code § 28-34)

3.16.130 Appeals.

Any resident who is aggrieved by a decision of the tax assessor denying all or any part of the real property tax relief under this article may appeal from that decision in the same manner as any taxpayer may appeal any tax assessment.

(Prior code § 28-35)

Article III. Tax Benefit Recapture

3.16.140 Tax benefits.

If the city directly grants a tax abatement, tax assessment deferral or other tax benefit to an industrial or commercial entity for the purpose of locating, maintaining, rehabilitating or expanding its manufacturing or commercial facilities in Bridgeport, and the entity relocates such facilities from Bridgeport in whole or in part during the term of any such benefit, the tax benefits effected shall be repaid within thirty (30) days to the city together with such interest to be at the prime rate on the day of cancellation, and such entity must notify the city six months prior to the relocation.

(Prior code § 28-40)

3.16.150 Loans.

If an industrial or commercial entity relocates its facilities in whole or in part from Bridgeport during the term of a community development block grant loan, urban development action grant loan or any other loan of whatever source directly granted to it by the city, the outstanding principal balance of the loan shall be immediately due and payable at the then prevailing prime rate, and the entity must notify the city six months prior to the relocation.

(Prior code § 28-41)

3.16.160 Implementation.

The requirements of Sections 3.16.140 and 3.16.150 shall be implemented by appropriate provisions in tax benefit and loan agreements, as the case may be.

(Prior code § 28-42)

3.16.170 Motor vehicle property tax check-off for local scholarship fund.

A. Pursuant to Section 12-169a. Motor vehicle property tax check-off for local scholarship fund of General Statutes of the state of Connecticut to wit:

1. Bridgeport shall redesign and designate a place on its municipal motor vehicle property tax bill for taxpayers to check off amounts to donate to the local scholarship fund. The redesign of such tax bill shall be done so as to allow a taxpayer to voluntarily check off and donate an amount of at least one dollar (\$1.00). The donated amount shall not reduce the tax liability but shall be in addition to the amount otherwise due and payable. The redesign of the motor vehicle property tax bill shall be approved by the office of policy and management prior to its use. Where feasible the city will include an insert with its motor vehicle property tax bills which explains the scholarship fund and the check-off provision to the taxpayer. The town treasurer shall deposit all moneys collected as a result of the check-off in the fund and the treasurer may accept donations from other sources for purposes of the fund.

2. Under separate action the city council will either establish a board or commission or designate an existing board, commission or a committee or designate an existing nonprofit organization, exempt from federal income tax to serve as its scholarship committee. This committee will be responsible for establishing all rules, practices and procedures to oversee the application process for these scholarships as well as determine the rules, practices and procedures for disbursement of these funds. All funds generated must be used for post-secondary education scholarships. No funds shall be used for any administrative cost with the exception of the printing and disbursement of applications and the advertising and promotion of the scholarship process.

3. The city may establish under its budget and appropriations process a goal of contributing up to a maximum of a one hundred (100%) percent match for the first twenty thousand dollars (\$20,000.00) raised under this check-off system. The city may appropriate additional amounts of matching funds at the same or differing percentages, with or without limitations, to further promote participation in this voluntary program.

4. The ordinance codified in this chapter shall be implemented by the city once it is feasible to do so, taking into account the technical capabilities of the tax collector's office, office of policy and management (OPM), treasurer's office, and information technology services department (ITS).

(Ord. dated 11/7/05)

Article IV. Tax Abatements Other

3.16.180 Abatement for surviving spouses of police officers and firefighters.

There is established pursuant to G.S. Section 12-81x of the general statutes, and effective commencing with taxes levied on the grand list of October 1, 2006, taxes shall be and hereby are fully abated on the principal residence owned and occupied by the surviving spouse or partner in a civil union (hereafter referred to as spouse) of any person who dies while in the performance of his or her duties as a city police officer or firefighter.

A. In the event that such officer or firefighter died prior to July 1, 2007, taxes due or paid on the principal residence owned and occupied by his/her surviving spouse on or subsequent to that date shall be abated, and the tax collector shall refund such payments.

B. In the event that such officer or firefighter died on or after July 1, 2007, taxes due or paid on the principal residence owned and occupied by his/her surviving spouse on or subsequent to the date of death of such officer or firefighter shall be abated, and the tax collector shall refund such payments.

C. Once such surviving spouse has been determined to be eligible for the abatement provided by this section, no periodic reapplication shall be necessary.

D. In the event that such surviving spouse shall not be the sole owner of his/her principal residence, the abatement shall be prorated to reflect such surviving spouse's interest in the property.

E. If such surviving spouse shall change his/her principal residence, he/she may transfer the abatement to his/her new principal residence.

F. If such surviving spouse remarries or enters into another civil union, the abatement shall cease commencing with taxes on the grand list next following the date of such remarriage or civil union. In the event that such remarriage/civil union shall terminate, such surviving spouse may apply for the abatement commencing with taxes due on the grand list next following the date of such termination.

G. This chapter expressly does not apply to heart and hypertension disease or other diseases or occupational conditions that are progressive in nature. Rather, to be eligible for benefits under this chapter there must occur some precipitating work incident that results in a myocardial infraction or other physical injury on the work site itself that is the direct and sole causation of death. Further, the work site expressly does not include "portal to portal" transportation; that is, from residence to or from work site. Finally, it is expressly understood that the city council will monitor the financial impact of this chapter and expressly reserves the right to revoke the ordinance.

(Ord. dated 6/4/07)

Chapter 3.20

TAX INCENTIVE DEVELOPMENT PROGRAM

Sections:

3.20.010 Established.

3.20.020 Program administration.

3.20.030 Eligibility criteria.

3.20.040 Economic justification.

3.20.050 Public benefits.

3.20.060 Miscellaneous provisions.

3.20.070 Two-year tax incentive bonus areas.

3.20.010 Established.

Pursuant to Connecticut General Statutes as amended ("Statutes") Section 7-480, et seq., the Connecticut City and Town Development Act and more specifically, Section 7-498 of that Act; Section 12-65b; and Section 32-70, et seq., the Enterprise Zones Act, more specifically Section 32-71(e) of that act; the ordinance codified in this chapter establishes a tax incentive development program for the city.

(Ord. dated 10/15/90 (part): prior code § 24-170)

3.20.020 Program administration.

A. Except for the establishment of property assessments as governed by the statutes of the state of Connecticut and the charter and ordinances of the city, the director of the office of planning and development (OPD) shall administer this tax incentive program.

B. OPD shall establish uniform and consistent policies, procedures and forms to ensure compliance with this chapter, making such procedures, and forms publicly available within one hundred twenty (120) days of the enactment of this chapter.

C. The policies, procedures and forms shall be made available for public comment for a thirty (30) day period prior to their implementation and shall be approved by the common council through the office of the city clerk.

D. The applicant for a tax incentive shall submit a letter of request for such a tax incentive which shall disclose all principals of the applicant. The letter shall substantially conform to the federal redeveloper

statement for public disclosure and the federal redeveloper's statement of qualifications and financial responsibility. The applicant must complete and file with OPD all other necessary forms required by OPD.

(Ord. dated 10/15/90 (part): prior code § 24-171)

3.20.030 Eligibility criteria.

A. Projects eligible for assistance under this chapter shall be for one of the following uses: office; retail; manufacturing; residential, if for rental use or low and moderate income (as defined by U.S. Dept. of H. U.D.) owner occupied units; transient residential, hotel/motel; warehousing, storage or distribution; and multilevel parking structures.

B. Projects pursuant to Section 7-498 and 12-65b of the Statutes must have a minimum of three million dollars (\$3,000,000.00) in estimated costs of construction or rehabilitation, excluding the costs of real property acquisition.

C. Projects pursuant to Section 32-71(e) of the Statutes within the enterprise zone as defined in ordinances of the city must have a minimum of one million dollars (\$1,000,000.00) in estimated costs of construction, rehabilitation and/or machinery and equipment, excluding the costs of real property acquisition.

D. For purposes of this chapter, a project shall further be defined as being a property or group of adjacent properties for which an applicant:

1. Has a plan of development compatible with the city's master plan;
2. Can show ownership or an option to own the property(ies) to accomplish the goals of the project plan; and
3. Can meet the time-to-construct standards of Section 3.20.060(B).

E. Developers or program participants seeking any benefit, part or whole, under the provisions of this chapter must show full inclusion of minority representation in the procurement of development contracts pursuant to each project seeking benefit (i.e., blacks, hispanics and women).

F. Developers or program participants in the tax incentive development program shall undertake affirmative action measures designed to eliminate any discriminating barriers in the terms and conditions of employment on the grounds of race, color, creed, national origin, ancestry or sex. Developers or program participants shall take affirmative action to involve minority contractors in the construction of projects receiving property tax incentives pursuant to this chapter. Program participants and/or their general contractors shall notify appropriate minority trade publications and minority contractors

associations of the subcontract opportunities. Program participants and/or their general contractors shall retain documentation of these notification attempts.

G. In the event twenty (20) percent of the dollar value of total constructions costs is not awarded to minority- or women-owned contracting businesses, program participants and/or their general contractors shall be required to demonstrate that an extensive search for minority contractors has taken place for those elements of the project which have already been contracted. This chapter will apply in the absence of an affirmative action clause not already included by any of the following financing sources: U.S. Department of Housing and Urban Development, Connecticut Housing Finance Authority, State of Connecticut Department of Housing and the city of Bridgeport.

H. Waivers. Developers and/or program participants may receive waivers to the twenty (20) percent set-aside goal if they can demonstrate through documentation of any of the following:

1. The unavailability of certified disadvantaged business enterprises and/or women business enterprises to perform the subcontracting work required under the contract;
2. That prices submitted by all available and certified disadvantaged business enterprises or women business enterprises exceed those submitted by nondisadvantaged business enterprises and women business enterprises, and that such excessive price is not the result of present effect or discrimination;
3. That it is economically or otherwise impractical for the contractor to break down the contract into subcontracts that would meet the set-aside goals; or
4. That the needed goods and services can only be provided by one source which is not a disadvantaged business enterprise or women business enterprise.

Initial waiver decisions will be made by the contract compliance officer and affirmative action officer subject to appeal to the common council.

(Ord. dated 5/6/91; Ord. dated 10/15/90 (part): prior code § 24-172)

3.20.040 Economic justification.

A. OPD shall subject all requests for assistance under this chapter to an economic pro forma analysis that will include, but not be limited to, the following factors: average construction costs of like structures, interest rates, vacancy and absorption rates, developer fees, market rents and pricing, comparable tax liabilities within the region, returns on cash and equity and such additional costs as may be associated with the development.

B. In the event the applicant's request for assistance exceeds in extent of subsidy that amount which is determined to be fair and reasonable by OPD through economic analysis, OPD may grant greater

assistance while also negotiating a recapture of the revenue foregone. Such funds recaptured shall, at a minimum, approximate the difference between OPD's determination of fair and reasonable subsidy and the final award of subsidy.

C. The intent of subsection A of this section is to determine that: "but for" the assistance provided by this chapter, the project could not be built.

(Ord. dated 10/15/90 (part): prior code § 24-173)

3.20.050 Public benefits.

A. All projects receiving assistance under this chapter shall comply with the public benefits test which shall include local land use and building regulation.

B. OPD shall establish policies that consider such other public benefits/costs as, but not be limited to: parking impact, job generation, design standards, neighborhood impact, public service demand, and consistency with the city's adopted master development plan or other area specific development plans such as the downtown design district.

(Ord. dated 10/15/90 (part): prior code § 24-174)

3.20.060 Miscellaneous provisions.

A. No property governed by a tax agreement shall generate less in real property taxes or revenue in any year of the tax agreement than is received in the year prior to start of the tax agreement. This provision may be waived upon the following findings of the OPED director: 1) The project involves the adaptive reuse of the existing structure, or structures for commercial, industrial or mixed-use residential purposes; 2) The property has experienced significant vacancy for a period of five or more years prior to application for a tax incentive; 3) The project entails a construction cost investment a) in excess of five million dollars (\$5,000,000.00) and b) at least one and one-half (1- 1/2) the pre-project assessed value of the development property.

B. Construction shall begin within two years and be substantially completed within four years of the granting of the tax agreement or such agreement shall terminate. Extensions may be granted by subsequent approval of the common council.

C. Tax incentive development agreements shall not be conveyed with the property. The provision shall apply to changes in controlling ownership of corporations and limited partnerships (Connecticut General Statutes Section 34-9 et seq. of the Statutes as amended, the Uniform Limited Partnership Act).

D. In order to become effective, tax incentive development agreements and any subsequent and related tax, payback or recapture agreements shall be recorded on the land records of the city.

E. All projects awarded a tax incentive development agreement shall comply with all statutes, orders, ordinances, rules and regulations regarding civil rights, equal opportunity and affirmative action.

F. Tax incentive development agreements and all nonexempt information submitted to OPD by the applicant shall be subject to the Connecticut Freedom of Information Act, as amended, Section 1-15 et seq.

G. Once an application meets the eligibility criteria, public benefits and economic analysis tests established by OPD in accordance with this chapter, the application shall be forwarded with a report from OPD to the common council for final approval. The report shall explain OPD's rationale for granting and determining the extent of the tax incentive as well as identifying the portion of the tax fixing agreements value attributable to the economic analysis conducted in accordance with Section 3.20.040 and that value attributable to the public benefits gained as defined in Section 3.20.050.

H. Upon completion of construction, OPD shall secure a certification of the costs to construct the facility (ies) comprising the project receiving the tax incentive development agreement. If the costs are less than ninety-five (95) percent of the total costs identified in the economic analysis used to determine the tax incentive development agreement's value, OPD shall make an adjustment to the tax incentive development agreement to reflect such cost differential. The tax incentive development agreement shall not be effective until a certificate of costs is received.

I. An applicant for a tax incentive development agreement who is able to demonstrate negotiations within the city or its agencies prior to the adoption of the ordinance codified in this chapter by written proof of letter from the city, may be considered for special exemptions to this chapter by the common council. This subsection providing for special exemptions shall expire on December 31, 1990.

(Ord. dated 4/2/01; Ord. dated 1/4/99; Ord. dated 10/15/90 (part): prior code § 24-175)

3.20.070 Two-year tax incentive bonus areas.

A. Eligible Projects. It shall be the policy of the city to offer, as a special development incentive from the date of enactment of the ordinance codified in this chapter, until December 31, 1992, in limited geographic areas of the city as outlined in subsection C of this section for commercial and residential projects meeting or exceeding twenty million dollars (\$20,000,000.00) in the costs of construction or rehabilitation exclusive of real property acquisition, and that comply with criteria established in or for Sections 3.20.030, 3.20.050 and 3.20.060, a tax fixing development agreement equal to one hundred (100) percent exemption of the increased assessment attributable to the improvements for a period of five years from the granting of the permanent certificate of occupancy.

B. Economic Justification. During the special development window, projects meeting the eligibility criteria established in subsection A of this section shall be exempt from Section 3.20.040.

C. Geographic Area. Areas eligible for this special program shall be located only in the "downtown" and "lower east side" as defined by that area within the following boundaries: "downtown": as defined by that area bounded on the north by Washington Avenue, on the west by Route 8/25 highway, on the south by the Interstate-95 highway and on the east by the Bridgeport Harbor/Pequonnock Riverfront; and in the "lower east side": as defined by that area bounded on the north by the Metro-North Railroad, on the east by the Yellow Mill Pond and south and west by the Bridgeport Harbor/Pequonnock Riverfront.

D. Other Projects and Areas. It is not the intent of this special program to exclude tax incentive contracts in other areas of the city of projects with costs ranging from three million dollars (\$3,000,000.00) to twenty million dollars (\$20,000,000.00). Such other projects may remain eligible for some level of benefits as determined by OPD economic analysis and public benefits tests as provided for in Sections 3.20.010 through 3.20.060 of this chapter.

E. Eighteen-Month Review. OPD shall present a report on the usefulness of the special two-year tax incentive bonus areas program within eighteen (18) months of its enactment for the review of the common council.

(Ord. dated 10/15/90 (part): prior code § 24-176)

Chapter 3.24

AFFORDABLE HOUSING DEVELOPMENT PROGRAM

Sections:

3.24.010 Established.

3.24.020 Program administration.

3.24.030 Eligibility criteria.

3.24.040 Miscellaneous.

3.24.010 Established.

Pursuant to Connecticut General Statutes as amended ("Statutes") Section 7-498 and Section 8-215; the ordinance codified in this chapter establishes an affordable housing nonprofit developer temporary payment in lieu of taxes, (hereinafter referred to as PILOT) development program for the city, and allows for the abatement of taxes for a nonprofit developer for a period not to exceed two years.

(Ord. dated 3/15/93 (part): prior code § 24-180)

3.24.020 Program administration.

A. Except for the establishment of property assessment as governed by the statutes of the state of Connecticut, and the charter and ordinances of the city, the director of the office of planning and economic development (OPED) shall administer this temporary PILOT program.

B. In consultation with the tax collector and tax assessor, OPED shall establish uniform and consistent policies, procedures and forms to ensure compliance with this chapter making such procedures, and forms publicly available within one hundred twenty (120) days of the enactment of the ordinance codified in this chapter.

C. The policies, procedures and forms shall be made available for public comment for a thirty-day period prior to their implementation and shall be approved by the city council through the office of the city clerk.

D. The applicant for a temporary PILOT under this chapter shall submit a letter of request for such a PILOT which shall disclose all principals of the applicant. The applicant must complete and file with OPED all other necessary forms required by OPED.

(Ord. dated 3/15/93 (part): prior code § 24-181)

3.24.030 Eligibility criteria.

A. Projects eligible for assistance under this chapter shall be housing intended solely for owner occupancy by low- or moderate-income persons or families; income levels must conform with standards established by the State Commissioner of Housing pursuant to Connecticut General Statutes Section 8-215(2).

B. Only nonprofit housing development corporations recognized by the state of Connecticut shall be eligible for assistance under this chapter.

C. Any temporary PILOT granted under this chapter shall be limited to the taxes assessed on two successive grand lists and shall terminate as of the date of sale by the nonprofit developer, if prior to the expiration of the two-year period. Upon request of the developer, the PILOT may be extended for one additional year by a two-thirds vote of the entire city council, if said extension is reasonably necessary to achieve one or more of the aforementioned purposes. Pursuant to this program and chapter, PILOTS may not be extended for more than one additional year.

(Ord. dated 3/15/93 (part): prior code § 24-182)

3.24.040 Miscellaneous.

A. All projects receiving assistance under this chapter shall comply with a public benefits test which shall include existing local land use and building regulation.

B. Temporary PILOT development agreements shall not be conveyed with the property. The provision shall apply to changes in controlling ownership of corporations and limited partnerships (Connecticut General Statute Section 3409 et seq. as amended, the Uniform Limited Partnership Act).

C. In order to become effective, temporary PILOT development agreements shall be recorded by the nonprofit developer on the land records of the city.

D. All projects awarded a temporary PILOT development agreement shall comply with all statutes, orders, ordinances, rules and regulations regarding civil rights, equal opportunity and affirmative action.

E. Temporary PILOT development agreements and all nonexempt information submitted to OPED by the applicant shall be subject to the Connecticut Freedom of Information Act amended, Section 1-15 et seq.

F. Once an application meets the eligibility criteria and public benefits test established by OPED in accordance this chapter, the application shall be forwarded with a report from OPED to the city council for final approval. The report shall explain OPED's rationale for supporting the temporary PILOT.

(Ord. dated 3/15/93 (part): prior code § 24-183)

Chapter 3.25

URBAN REHABILITATION HOMEOWNERSHIP TAX DEFERRAL PROGRAM

Sections:

3.25.010 Established.

3.25.020 Policy findings and declarations.

3.25.030 Program administration.

3.25.040 Eligibility criteria and miscellaneous provisions.

3.25.050 Program benefits.

3.25.010 Established.

Pursuant to Section 81, Public Act 01-9 June special session of the state of Connecticut Legislature.

(Ord. dated 7/3/06 (part): Ord. dated 3/18/02)

3.25.020 Policy findings and declarations.

It is found and declared that it is in the best interests of this city to: promote homeownership among its citizens, as well as municipal employees who may choose to live in the city; and to encourage through reasonable means the rehabilitation of its housing stock. Further, it is found and declared that this city is empowered under the provisions of Section 81, Public Act 01-9 June special session as enacted by the state of Connecticut General Assembly to establish a tax deferral program with the benefits and inducements to current and prospective homeowners following therefrom.

(Ord. dated 7/3/06 (part): Ord. dated 3/18/02)

3.25.030 Program administration.

A. Except for the establishment of property assessments as governed by the state of Connecticut and the carter and ordinances of the city, the deputy chief administrative officer for housing and community development shall establish uniform and consistent policies, procedures and forms to ensure compliance with this chapter, making such procedures and forms publicly available within one hundred twenty (120) days of the amendment to this chapter.

B. The deputy chief administrative officer for housing and community development is authorized to designate personnel within the department of housing and community development to administer the provisions of this chapter and applicable state law and regulations.

C. The applicant for a tax deferral pursuant to this chapter must complete and file with the department of housing and community development all necessary forms required by the department.

D. The deputy chief administrative officer for housing and community development shall determine the eligibility of individual applicants based on the procedures established as provided herein.

(Ord. dated 7/3/06 (part): Ord. dated 3/18/02)

3.25.040 Eligibility criteria and miscellaneous provisions.

A. Any owner of owner-occupied residential real property who agrees to rehabilitate such real property with assistance provided by the Connecticut Housing Finance Authority via the Urban Rehabilitation Homeownership Program.

B. Applicants must be current with all financial obligations to the city, including property taxes, to be eligible for the benefits described in this chapter.

C. The benefits described in this chapter shall not be conveyed with the property in the event of transfer, with the exception of transfer between members of an immediate family.

(Ord. dated 7/3/06 (part): Ord. dated 3/18/02)

3.25.050 Program benefits.

Any increase in assessment attributable to rehabilitation shall be deferred for a period of five years from the date such rehabilitation is complete.

Further, be it resolved, that the deputy chief administrative officer for housing and community development is authorized to send a letter to CHFA, affirming the city of Bridgeport's participation in the UR Home Program, and to take other reasonable actions as required to implement the program in Bridgeport.

(Ord. dated 7/3/06 (part): Ord. dated 3/18/02)

Chapter 3.28 URBAN ENTERPRISE ZONE

Sections:

3.28.010 Short title.

3.28.020 Policy findings and declarations.

3.28.030 Designation of enterprise zone.

3.28.050 Fixing and deferral of assessment on real property within the enterprise zone and the rehabilitation areas.

3.28.060 Administration of the enterprise zone and rehabilitation area attendant thereto.

3.28.010 Short title.

This chapter may be cited as the urban enterprise zone ordinance of the city.

(Ord. dated 2/21/89 (part): Ord. dated 7/5/88 (part))

3.28.020 Policy findings and declarations.

It is found and declared that it is in the best interest of the people of the city and to the economic well-being of the city to promote the economic development and rehabilitation of certain depressed areas in the city collectively known as the urban enterprise zone; the city is empowered under Chapter 585 of the Connecticut General Statutes to establish an enterprise zone with the benefits and inducements to private enterprise following therefrom, and that the state of Connecticut Commissioner of the Department of Economic and Community Development, in accordance with state law, has approved and designated an enterprise zone in the city as suggested and recommended by the mayor.

(Ord. dated 5/2/05 (part): Ord. dated 2/21/89 (part): Ord. dated 7/5/88 (part))

3.28.030 Designation of enterprise zone.

A. The area detailed on the map entitled "Bridgeport Urban Enterprise Zone Boundary Map," signed by the state of Connecticut Commissioner of the Department of Economic and Community Development on February 10, 1998, attached to the resolution codified in this chapter and found on file in the office of the city clerk and the office of the town clerk, and made part hereof is designated as and declared to be the enterprise zone of the city of Bridgeport, Connecticut, and enterprises and residents therein are entitled to receive the benefits of the enactments.

B. It is further declared that the area as designated in this chapter meets the criteria for enterprise zones as set forth in Chapter 585 of the Connecticut General Statutes.

(Ord. dated 5/2/05 (part): Ord. dated 2/21/89 (part): Ord. dated 7/5/88 (part))

3.28.050 Fixing and deferral of assessment on real property within the enterprise zone and the rehabilitation areas.

A. In accordance with provisions of Chapter 585 of the Connecticut General Statutes, the assessment on all real property in the urban enterprise zone which is improved during the period when such area is designated as an enterprise zone, shall be fixed each year in accordance with a seven-year assessment deferral schedule dating from the time of such improvements with increases in assessments attributable to such improvements deferred per the following schedule:

Year	Percentage of Increase Deferred
First:	100
Second:	100
Third:	50
Fourth:	40
Fifth:	30

Sixth:	20
Seventh:	10

The fixing of assessments shall be subject to the following conditions:

1. Any fixed assessment on any residential property shall cease if: (1) for any residential property; any dwelling unit in such property is rented to any person whose income exceeds two hundred (200) percent of the median family income of the municipality; or (2) for any condominium conversion declared after the designation of the enterprise zone, any unit is sold to any person whose income exceeds two hundred (200) percent of the median family income of the municipality.
2. In the event of a general revaluation by any such municipality in the year in which such improvement is completed, resulting in any increase in the assessment on such property, only that portion of the increase resulting from such improvements shall be deferred. In the event of a general revaluation in any year after the year in which such improvement is completed, such deferred assessment shall be increased or decreased in proportion to the increase or decrease of the total assessment on such property as a result of such revaluations.
3. No improvements of any real property which qualifies as a manufacturing facility under Section 32-9p (d) of the General Statutes shall be eligible for any fixed assessment pursuant to this section.
4. The municipality may provide any additional tax abatements or deferrals, as it deems necessary for any property located in such an enterprise zone.
5. In order to qualify for assessment deferral under this section, a project consisting of real property improvements, rehabilitation or new construction, must be undertaken pursuant to a building permit first issued for the project subsequent to date of passage of the ordinance codified in this chapter. Furthermore, in order to qualify for property tax deferral under this section, the property owner must file an application for enterprise zone assessment increase deferral on forms available from the city. This application must be filed with the city no later than the date of issuance of a certificate of occupancy for the renovated or newly constructed building. (The application must be submitted by the property owner to the city within ninety (90) days of the issuance of a building permit). The construction or rehabilitation will be determined to have been completed, and the real property assessment deferral therefore will commence, either the first full tax year following the issuance of certificate of occupancy for the newly constructed or renovated building, or at the option of the applicant upon the date of any partial assessment levied upon construction in process, prior to the issuance of a certificate of occupancy. In either case, however, the assessment deferral shall not be granted in more than seven assessment periods. (The building owner is responsible for obtaining a certificate of occupancy within a reasonable time period following completion of the project. Failure to obtain such certificate by October 1st following completion of the building will result in forfeiture of that year's deferral.)

6. Failure of a residential property owner to maintain the property in accordance with the standard of the housing code in the city shall constitute reason to cease deferral under this section. Owners of residential rental property or condominium conversions must submit to the city, an affidavit for each rental or condominium under the occupants (rental property) or owner's (condominium) full name and gross income in the previous tax year. In order to maintain eligibility, rental property owners must submit income affidavits annually before September 1st.

(Ord. dated 5/2/05 (part): Ord. dated 2/21/89 (part): Ord. dated 7/5/88 (part))

3.28.060 Administration of the enterprise zone and rehabilitation area attendant thereto.

A. The mayor is authorized and empowered to:

1. Designate the appropriate city officers, appointees, agencies and departments to administer the provision of the charter of the city and applicable state law and regulations;
2. To enter into contracts, in accordance with Section 12-65e of the Connecticut General Statutes with appropriate parties for the fixing of tax assessments on the improvements of qualifying properties in keeping with the intent of the state statutes;
3. To request, position and appeal to local governing bodies, to the state of Connecticut and the U.S. Government for the suspension or waiver of local, state or federal regulations or rules affecting residents or enterprises located within the enterprise zones when he determines that such suspension or waiver is consistent with intent of state law and the ordinances codified in this chapter;
4. To enter into contract subject to the approval of the common council with appropriate third party agencies, nonprofit developers and consultants and to engage employees and agents to enter into interagency agreements in accordance with the charter, ordinances, rules and regulations of the city for the efficient and timely prosecution of the intent of this enactment.

(Ord. dated 5/2/05 (part): Ord. dated 2/21/89 (part): Ord. dated 7/5/88 (part))

Chapter 3.32 ADMISSIONS TAX ON GAMBLING FACILITIES

Sections:

3.32.010 Imposition of tax.

3.32.020 Enforcement.

3.32.030 Filing return.

3.32.040 Appeals.

3.32.050 State law adopted.

3.32.010 Imposition of tax.

A tax of ten percent shall be imposed on admission charge, as defined in subsection (3) of Section 12-540 of the Connecticut General Statutes, to any place licensed by the commission on special revenue and containing a pari-mutuel system therein or to any off-track betting facility. The tax shall be imposed upon the person making such charge and reimbursement for the tax shall be collected by such person from the purchaser. Such reimbursement, termed "tax," shall be paid by the purchaser to the person making the admission charge. Such tax, when added to the admission charge, shall be a debt from the purchaser to the person making such charge and shall be recoverable at law.

(Prior code § 28-26)

3.32.020 Enforcement.

This chapter shall be administered by the tax collector of the city. All forms necessary or convenient for the enforcement of this chapter shall be prescribed by the state tax commissioner and shall be printed and furnished by said tax collector. The state tax commissioner shall adopt and enforce rules and regulations relating to the administration and enforcement of this chapter.

(Prior code § 28-27)

3.32.030 Filing return.

Each person subject to a tax imposed under Section 3.32.010 shall file a return on or before the twentieth of each month setting forth the amount of tax due for the preceding month and such additional information as the tax collector may require. Payment of the tax shall accompany such return. Any person subject to such a tax failing to file a return and pay the tax when due is liable for a penalty of ten dollars (\$10.00) less ten percent of the tax due. In addition, there shall be added interest at the rate of one percent per month, or fraction thereof, from the date of the return until date of payment. The tax collector, if satisfied that the failure to comply with any provision of this section was due to reasonable cause, may abate or remit the whole or part of any penalty.

(Prior code § 28-28)

3.32.040 Appeals.

Any taxpayer aggrieved because of any order, decision, determination or disallowance of the tax collector under the provisions of this chapter may, within one month after service upon the taxpayer of notice of such order, decision, determination or disallowance, take an appeal therefrom to the court of common pleas for the county, which shall be accompanied by a citation to such tax collector to appear before such court. Such citation shall be signed by the same authority, and such appeal shall be returnable at the same time and served and returned in the same manner as is required in case of summons in a civil action. Such appeals shall be preferred cases to be heard, unless, cause appears to the contrary, at the first session by the court or by a committee appointed by it. The court may grant such relief as may be equitable and, if such tax has been paid prior to the granting of such relief, may order the city to pay the amount of such relief, with interest at the rate of six percent per annum, to the aggrieved taxpayer. If the appeal has been taken without probable cause, the court may tax double or triple costs, as the case demands; and, upon all such appeals which may be denied, costs may be taxed against the appellant at the discretion of the court, but no costs shall be taxed against the city.

(Prior code § 28-29)

3.32.050 State law adopted.

The provisions of Public Act No. 74-308 are incorporated in this chapter and made a part hereof.

(Prior code § 28-30)

Chapter 3.36 MUNICIPAL SPECIAL SERVICES DISTRICT

Sections:

3.36.010 Purpose and intent.

3.36.020 Definitions.

3.36.030 Powers of the district.

3.36.040 Properties included within the district.

3.36.050 Procedure for the referendum establishing the district.

3.36.060 District organization and operations.

3.36.070 District revenue and budget.

3.36.080 Municipal obligations.

3.36.090 Dissolution of district.

3.36.100 Severability.

3.36.010 Purpose and intent.

In accordance with Chapter 105a of the Connecticut General Statutes, the city establishes a special services district within its confines, to be created and operated according to the procedures set forth in Chapter 105a. The purpose of the district shall be to prevent deterioration of the central business district; to enhance the environment in which people shop, live and work in the central business district; to demonstrate private commitment to the central business district through physical, economic and social improvements; to work with the government of the city to maximize the usefulness of available public funds by consolidating and coordinating private efforts to assist the city's downtown revitalization program; and to maintain physical, economic and social improvements to the central business district.

(Prior code § 24-160)

3.36.020 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section:

"Assessment" or "assessed value of real property" means the assessed value of real property as contained on the grand list of the city in effect at the time in question, without regard to "phase-in."

"Board of commissioners" means the executive body elected to conduct the business of the district.

"City" means the city of Bridgeport.

"Commissioners" means any single member of the board of commissioners.

"Connecticut General Statutes" means the revision of 1958, as amended.

"District" means the municipal special services district established by this chapter according to Chapter 105a of the Connecticut General Statutes, whose boundaries are set forth in Section 3.36.040 of this chapter, including amendments.

"Ex officio member" means nonvoting member.

"Holder of record of a taxable interest in real property" means the owner of record in the office of the Bridgeport town clerk not less than sixty (60) days prior to the act or activity referred to in this chapter which affects such holder of record.

(Prior code § 24-161)

3.36.030 Powers of the district.

A. District Legal Status. The district is a body politic and corporate.

B. Powers. The district shall have the following powers:

1. To sue and be sued;
2. To acquire, hold and convey any estate, real or personal;
3. To contract;
4. To borrow money, provided any obligation incurred for this purpose shall be discharged not more than one year after it was incurred, and the district may pledge any revenues to be received pursuant to Section 7-339r of the Connecticut General Statutes against any such obligation;
5. To recommend to the Bridgeport common council the imposition of a levy upon the taxable interests in real property within the district, the revenues from which may be used in carrying out any of the powers of the district;
6. To construct, own, operate and maintain public improvements;
7. To provide, within the district, some or all of the other services which the city is authorized to provide therein, except that nothing contained in this chapter may confer upon the district the power to provide elementary or secondary public education services, and provided further, that nothing contained in this chapter may confer upon the district the power to provide services which are now being provided within any portion of the area included in the district by any multitown body or authority;
8. To retain legal counsel;
9. To construct, acquire or obtain leasehold interests in motor vehicle parking facilities, within or without the district;
10. To operate a motor vehicle parking facility, within or without the district;

11. To lease or sublease to other parties motor vehicle parking facilities;
12. To enter into, fund and perform agreements which reduce the cost of motor vehicle parking to residents of the district and to employees of, and those doing business with, businesses located within the district;
13. To operate revenue sharing facilities or events and to use the revenues for district purposes;
14. To buy, lease and operate buses, mini-buses or other forms of transportation for shuttle service to, from and within the district.

(Prior code § 24-162)

3.36.040 Properties included within the district.

The properties included within the district shall be those bounded and described as set forth below:

Commencing at the intersection of the south street line of East Washington Avenue and the east boundary line of the State of Connecticut Route 8 and 25; thence easterly along the south street line of East Washington Avenue for a distance of 1030 feet, more or less, to the intersection of the west boundary of the Pequonnock River; thence southerly along the west boundary of the Pequonnock River for a distance of 3030 feet, more or less, to the north boundary of the Connecticut Turnpike (I-95); thence, westerly along the north boundary of the Connecticut Turnpike for a distance of 2270 feet, more or less, to the east boundary of the State of Connecticut Route 8 and 25; thence northerly along the east boundary of Route 8 and 25 for a distance of 4240 feet, more or less, to the intersection of the south street line of James Street; thence, easterly along the south street lines of James Street and Congress Street 720 feet, more or less to a point; thence northerly across Congress Street and along the east property line of n/f Congress Plaza Development Corp. to the north street line of Arch Street for a distance of 330 feet, more or less; thence easterly along the north street line of Arch Street for a distance of 120 feet, more or less, to a point; thence northerly along the east property line of n/f Congress Plaza Development Corp. for a distance of 520 feet to the cul-de-sac at the end of Lyon Terrace; thence northwesterly along the cul-de-sac for a distance of 100 feet, more or less, to the east boundary of the State of Connecticut Route 8 and 25; thence northerly along the east boundary of Route 8 and 25 for a distance of 580 feet, more or less, to the point of beginning.

(Prior code § 24-163, Schedule A)

3.36.050 Procedure for the referendum establishing the district.

A. Referendum Voting Procedure.

1. Within sixty (60) days of the passage of the ordinance codified in this chapter by the common council,

a referendum shall be held among all the holders of record of taxable interests in real property within the district on the question of whether this ordinance shall take effect.

2. A ballot shall be prepared and mailed to all holders of record of taxable interests in real property within the district. The ballot shall be mailed to the address used by the tax collector of the city for tax collection purposes. The ballots are to be returned by mail or in person to the Clerk within ninety (90) days of the passage of this ordinance by the common council.

3. Each property owner shall be entitled to cast one ballot per property owned by it in determining whether the necessary majority of property owners have voted in favor of the referendum as set forth below.

4. No holder of record of a taxable interest in real property, whether such record holder is a corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator, or other form of entity or any combination thereof, and whether such record holder is an individual who holds interests jointly, or in common with another individuals, or with any one or more of the foregoing, shall be precluded from participating in a referendum because of the form of entity which holds such record interests.

B. Referendum Oversight and Tabulation of Results.

1. The referendum ballot shall be overseen by three supervisors appointed by the mayor. The supervisors shall count ballots, and determine results of the referendum, and shall rule on any contested ballots.

2. Unless a majority of the holders of record of taxable interests in real property within the district shall respond affirmatively and unless the holders of such taxable interests of real property, the assessments of which shall constitute more than one-half of the total of assessments for all taxable interests in real property within the district shall respond affirmatively, this ordinance shall not take effect.

(Prior code § 24-164)

3.36.060 District organization and operations.

A. Commencement of District Operations.

1. Within twenty (20) business days of the referendum creating the district the mayor of the city shall call a general meeting of the holders of record of taxable interests in real property within the district to nominate and elect board of commissioners.

2. The first meeting of the board of commissioners shall take place within twenty (20) business days of its election.

B. Board of Commissioners.

1. The business of the district shall be conducted by a board of commissioners and by such agents as they may designate. Bylaws shall be adopted for the district by the board of commissioners.
2. The board of commissioners shall have nine members, and one ex-officio member, which ex-officio member shall be the mayor of the city. All commissioners (excluding the ex-officio member) will be elected at large, from the entire district.
3. All commissioners shall be holders of record of taxable interests in real property. The vote of a corporation, partnership, unincorporated association or other form of entity may be cast by any officer or agent thereof in the absence of express notice of the designation of a specific person by the holder of record of taxable interest in real property. In the event that vacancies on the board of commissioners occur, they shall be filled by the board of commissioners, but only for the unexpired term of the vacant position. In the event that a holder of record of a taxable interest in real property ceases to hold such interest, he shall be deemed to have resigned and his position shall be filled by the board of commissioners.
4. Commissioners shall be elected by holders of record of taxable interests in real property. At the initial election of commissioners, three commissioners shall be elected for a three-year term, three commissioners shall be elected for a two-year term and three commissioners shall be elected for a one-year term. Following the initial election, all commissioners shall be elected for three-year terms so that the terms of three commissioners shall expire annually thereafter.

C. General Meetings of Owners. There shall be an annual meeting of all holders of record of a taxable interest in real property in the district. In addition to any other business which may be conducted at such annual meeting, the board of commissioners shall present the proposed budget to the members of the district present at such meeting and shall hold a hearing on that budget at such annual meeting. The power to adopt the budget, however, remains with the board of commissioners.

(Prior code § 24-165)

3.36.070 District revenue and budget.

A. District Budget.

1. The district shall adopt a budget annually and shall file it with the treasurer of the city in a timely manner so that it can be submitted to the common council of the city for approval at the same time as the regular municipal levy. If the budget is amended, such amended budget shall be filed with the treasurer within fifteen (15) days of its adoption and, if such amendment is to be considered by the common council of the city for approval at the same time as the budget it amends, it shall be filed in the time for such action by the common council.

2. The board of commissioners shall recommend to the common council of the city, in a timely manner, a levy upon the taxable interests in real property within the district. In accordance with Section 7-339r(d) of the Connecticut General Statutes, it shall be the obligation of the common council to impose the recommended levy as a municipal levy and such levy shall be in addition to the regular municipal levy, and it shall be the obligation of the city to collect such levy for the benefit of the district.

3. All moneys received by the board of commissioners of the district or by the city on behalf of the district shall be paid into the general fund of the city, where an account shall be maintained of such moneys for the benefit of the district.

B. Tax Levy Imposition. Notwithstanding the provisions of this chapter, the levy upon taxable interests in real property in the district shall not exceed ten (10) percent of the regular municipal levy in any fiscal year.

C. Collection of Levy.

1. The levy upon taxable interests in real property in the district shall be due and payable in installments, at the same time and in the same manner as the regular municipal levy. The tax collector of the city shall bill holders of taxable interests in real property in the district for such levy at the same time as and together with the regular municipal tax bills.

2. Interest, lien fees and other charges shall be charged upon delinquent payments in the same manner and at the same rates as interest, lien fees and other charges are charged by the city for regular property tax delinquencies. The district shall have the same collection powers as those available to the city pursuant to the Connecticut General Statutes, including, without limitation, the power to issue warrants, to levy upon and sell property, to lien, and to foreclose such liens.

3. All moneys received by the board of commissioners or by the city on behalf of the district shall be paid into the general fund of the city where an account shall be maintained for such moneys for the benefit of the district.

D. Disbursement of Funds.

1. The treasurer of the city shall disburse district funds in accordance with an annual budget adopted by the board of commissioners. The district shall set forth in its bylaws, procedures for approving disbursement of funds and for requesting such disbursement from the treasurer of the city.

2. All orders or contracts for expenditures approved by the board of commissioners on behalf of the district which are greater than five thousand dollars (\$5,000.00) or which meet the criteria established by Section 7-339q of the Connecticut General Statutes (if such criteria are different) shall be awarded to the lowest responsible qualified bidder only after public invitation to bid, which shall be advertised in a

newspaper having circulation in the district.

(Prior code § 24-166)

3.36.080 Municipal obligations.

A. Maintenance of Effort and Services. Notwithstanding the powers of the district defined in this chapter, the city shall continue to be obligated to provide municipal services within the district in the same manner as if the ordinance codified in this chapter had not been enacted. Further, in keeping with the intent of this chapter, which is to improve the district through a cooperative effort of the city and the property owners of the district, the city agrees, as a minimum, to maintain the existing level of municipal services provided within the district.

B. Future Services. Nothing contained herein shall be deemed to prohibit or inhibit the district from seeking to amend this chapter to take advantage of the provisions of Section 7-399t of Chapter 105a of the Connecticut General Statutes dealing generally with excusing the city from the performance of certain services and obligating the district to provide such services and the compensation and taxation therefor.

(Prior code § 24-167)

3.36.090 Dissolution of district.

The district may be dissolved as provided in Section 7-339s of the Connecticut General Statutes.

(Prior code § 24-168)

3.36.100 Severability.

All provisions of the city Charter in conflict herewith are repealed and if for any reason, any word, clause, paragraph or section of this chapter shall be held to make the same unconstitutional or otherwise invalid, this chapter shall not thereby be invalidated and the remainder of the ordinance codified in this chapter shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes is repealed, it being understood that the ordinance codified in this chapter is enacted pursuant to the authority contained in Chapter 105a of the Connecticut General Statutes.

(Prior code § 24-169)

Chapter 3.40 CONVEYANCE TAX ORDINANCE

Sections:

3.40.010 Conveyance tax ordinance.

3.40.010 Conveyance tax ordinance.

Pursuant to Connecticut General Statutes ("C.G.S."), Section 12-494 et seq. as amended, the City of Bridgeport, CT hereby imposes an additional tax on each deed, instrument or writing, whereby any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration for the interest or property conveyed equals or exceeds two thousand dollars (\$2000.00), which additional tax shall be at the rate of one-fourth of one percent of the consideration for the interest in real property conveyed by such deed, instrument or writing. The revenue from such additional tax shall become part of the general revenue of the City of Bridgeport in accordance with C.G.S. Section 12-499.

(Ord. dated 4/7/03)

Chapter 3.50

**ESTABLISHMENT OF SPECIAL FUND FOR EXPENDING EMPLOYEE'S HEALTH,
WORKER'S COMPENSATION, PRESCRIPTION DRUG AND OTHER HEALTH-RELATED
BENEFITS**

Sections:

3.50.010 Purpose.

3.50.020 Establishment of special purpose fund.

3.50.030 General policy and procedures.

3.50.010 Purpose.

It is established under Chapter 9, Section 9 of the city of Bridgeport Charter that the city council may regulate the establishment of special purpose funds. The establishment of an internal service fund is required in order to account for self-insured health benefit activities of the city, board of education and other departments. The internal service fund is a proprietary type fund and will stabilize the complexities of employee related health benefits paid by the city of Bridgeport.

(Ord. dated 8/7/06 (part))

3.50.020 Establishment of special purpose fund.

There is hereby established a special purpose fund (internal service fund) for receiving, expending and accounting for employee's health, worker's compensation, prescription drug and other health-related benefits as prescribed by contracts. The fund will adhere to the general policy and procedures as enacted.

(Ord. dated 8/7/06 (part))

3.50.030 General policy and procedures.

Bridgeport Internal Service Fund General Policy and Procedures

A. Statement of Purpose. The city desires to establish an internal service fund to account for self-insured health benefit activities of the city, board of education and all other departments. Governmental accounting standards allow for the use of internal service funds for risk financing activities. The internal service fund is a proprietary type fund, which utilizes the accrual basis of accounting. The use of a separate fund internal service fund for self-insured benefit activities can help smooth the impact of severe claims fluctuations which can now occur in the general fund.

B. Establishing the Annual Contribution. A committee composed of city finance director or designee; city treasurer; city OPM director; city benefits manager; labor relations director or designee; board of education business manager and board of education payroll/benefits coordinator or designee, the superintendent or his/her designee, a member of the board of education and a city council member designated by the council president will meet each year with the city's designated actuary or benefits administrator prior to the preparation of the annual budget. The actuary or benefits administrator will calculate an annual contribution for each of the following groups: city, board of education, nutrition, grants and enterprise funds. The contribution will consider the employee contribution (and any state contributions) by each group. A prior year deficit or surplus in the fund will be considered in the calculation to be amortized over a reasonable period (three to five) years. The fund can accumulate reserves as deemed appropriate upon recommendation by the actuary.

C. Funding. Funding will be provided through the annual general fund budget which will separately identify the city, BOE and nutrition portions. The amount budgeted will be the amount transferred to the internal service fund. Contributions will also be made by the WPCA and grants. Employee contributions will be made directly to the internal service fund. Interest and investment income earned by the fund will be used to pay expenses of the fund.

D. Investment. Investment of available funds will be made by city finance and treasurer. Investments will be made in accordance with State Statutes.

(Ord. dated 3/5/07: Ord. dated 8/7/06 (part))